



Monday, 3<sup>rd</sup> April 2017.  
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Department for Communities and Local Government  
Rt.Hon. Minister of State Mr.Sajid Javed M.P.  
2 Marsham Street  
London  
SW1P 4DF.

**My Ref:** PB00117

### **A Call for a Ministerial Enquiry.**

**Lancashire County Council(A Lab/LibDem Coalition)  
In the Persons of the LCC Scrutiny Committee et al  
-Failure to Implement Statutory Duties-**

**County Councillor Mr. F.De Molfetta(Lab)  
Gross Misconduct in Public Office  
By reason of Breaches of the LCC 'Code of Conduct'- viz Corruption.**

**Ms.J.Turton LCC Chief Executive Officer.  
Gross Misconduct in Public Office - Failure to Implement Statutory Duty.  
Mr.I. Young LCC County Solicitor & Monitoring Officer.  
Gross Misconduct in Public Office - Failure to Implement Statutory Duty.**

Dear Minister of State,

#### **Historical Background:**

1. Within Lancashire I represent a group of disabled Fire Service Veterans(FSVs), their Widows, and Beneficiaries; internationally I provide online UK Fire Service pension information and advice by means of a website entitled "The Morning Bugler";
2. Collectively we have been in a pension dispute for the last 9 years with our former employers-Lancashire Combined Fire Authority(LCFA) during which we have repeatedly demonstrated, presenting substantive *prima facie* evidence, supported by

the pro bono Opinions of Barrister Mr.J.M. Copleston-Bruce(Life Member-Inner Temple Bar) that we have been, and are, being underpaid our Fire Service disablement pensions.

Our dispute goes unanswered.

3. In this pension dispute we recognise the jurisdiction of the Courts; the Home Office; the Pensions Ombudsman; and the Pensions Regulator.
4. However, according to Mr.Nigel Evans(Constituency MP for one FSV) the particular delinquency of the LCC, which I am bringing before you, is its failure to implement their Statutory duties in respect of the misconduct of one of its County Councillors.  
A matter which does fall within your jurisdiction.  
For clarity - this matter is not directly about the pension dispute per se.
5. Whilst persistently seeking a public review of this pension issue by the Elected Members(25) of the LCFA without success, the corrupt activities of County Councillor Mr.F.DeMofetta, who is currently allocated the duties of Chairman of the Lancashire Combined Fire Authority by the LCC, have simply come to light.
6. *Prima facie* evidence of CC DeMolfetta's mendacity, malfeasance, and corrupt practices was presented to the Coalition Leaders(Lab/LibDem) of the LCC on the 22<sup>nd</sup> August 2016 because CC DeMolfetta is first and foremost an LCC Councillor and legal accountability for his conduct rests with the LCC.
7. By law these political leaders hold primacy of responsibility *for the conduct of all their Councillors* by means of the LCC Constitutional 'Code of Conduct'.
8. Ordinarily the presentation of such evidence automatically requires the LCC Solicitor and 'Monitoring Officer' to implement his personal Statutory duty which is to carry out a transparent *preliminary* investigation and report his findings(not his opinions) to the all-party LCC Scrutiny Committee(the lead committee for such matters) to enable them to take whatever action they may deem appropriate which may include handing the evidence to the Lancashire Chief Constable for criminal investigation.
9. The LCC Monitoring Officer has wilfully failed to carry out his Statutory duty leading to the *possible* conclusion that he *may* have been unlawfully ordered, in contravention of the Statute law, by the Coalition Leaders, and/or his CEO, to default and breach both his personal and professional Statutory duties.
10. The CEO was asked whether or not *she* had been so directed by *her* political leaders and after ignoring relevant correspondence Ms.J.Turton(who is not a solicitor) finally replied, without any form of investigation, that she had issued advice to her LCC Coalition Leaders; to the LCC Scrutiny Committee; and to her Monitoring Officer that in her opinion there was no necessity for the LCC to implement its Statutory duties; ***that my Complaint should just be ignored***; and there the matter has rested until now.
11. There is not the slightest doubt that under the relevant Acts including the latest Localism Act 2011 that such Statutory duties, both personal and professional, exist and must by law be implemented.

12. I have presented repeated opportunities in hand delivered correspondence to the LCC Coalition Leaders encouraging them to carry out their Statutory duties all of which have been ignored and stonewalled without response.
13. Such a wilfully unlawful attitude is unacceptable in the largest County Council in the UK; in its publicly elected Members; and in its 'officers'.
14. I attach copies of the relevant correspondence for your information and should you require further clarification please do not hesitate to contact me.
15. Please be advised that all correspondence in this matter is publicly transparent and will be published on 'The Morning Bugler', the democratic voice of those I represent, and wherein the misconduct of the LCC has already been published in Current Affairs Volume 19 26<sup>th</sup> February 2017.

<http://www.themorningbugler.com/current-affairs/2017-volumes/vol-19-26th-february-2017/>

16. In the light of the repeated refusals of the Lancashire CC, their Elected Members, and their 'officers' to implement their Statutory duties **I now call on you to institute a Ministerial Enquiry** into all the circumstances I have placed before you, if only, to restore the confidence of the local electorate in Lancashire County Council in view of the forthcoming local elections on 4<sup>th</sup> May 2017.
17. Please acknowledge receipt by return.

Yours Sincerely,



Divisional Fire Officer (Rtd)



Order  
Excellent Firefighter



Soviet Union

LSGCM  
Exemplary Fire Service



United Kingdom

Oklahoma Medal of Honor  
Honorary Citizenship



Oklahoma USA



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Labour Leader-CC J. Mein;  
Labour Deputy Leader CC D. Borrow;  
Lib-Dem Leader- CC.B. Winlow.

Monday, 22nd August, 2016.

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**My Ref:** PB01016 DeMolfetta.

**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 21<sup>st</sup> 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 26<sup>th</sup> 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 4<sup>th</sup> 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 FSVs and their families a failure which was regarded by senior LFRS staff as tacit approval for their 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;
- 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 LFRS Personal Record Files for their pension audit purposes and denied, and continues to deny, the release of CFO Holland and CC D.O'Tooles public expenses whilst in engaged in LFRS duties.

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

- 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 a deliberate act of deceit which was intended to, and did mislead the Office of the Pensions Ombudsman into making an incorrect legal Determination based on false documents deliberately supplied to his Court by Mr.Warren;
- Did *knowingly*, in complicity with CFO Kenny and the LFRS Finance Officer 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 make false entries in the annual accounts of the LCFA to hide these facts from LCFA Auditors and the Local District Auditor;
- 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;
- 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 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 or the CFO to recover these substantial fraudulent sums of Public money and did further approve the acceptance by the CFO of Mr. Gardiner's resignation without any form of reparation or recompense;

- 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 a Lancashire disabled FSV 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 20<sup>th</sup> 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 17<sup>th</sup> August 2016 in contravention of their Statutory duty and in breach of the 1995 Pensions Act (as mended) and its provisions.

A contravention in which it remains.

- Did *knowingly*, without the knowledge or authorisation of the Full Committee of the LCFA in 2013 breach of the Statutory Pension IDRPs in respect of disabled FSV-PB Statutory Stage II Application mendaciously purport 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.B. an 'officer' of the Court.

- *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 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.
- Did, *knowingly*, without the knowledge or authorisation of the Full Committee of the LCFA expressly order that no correspondence from members of the Public, 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.
- Did *knowingly*, without the knowledge or authorisation of the Full Committee of the LCFA approve the placing of false complaint by the Clerk to the Fire Authority Mr.Nolan against disabled FSV-PB before the Chief Constable in an express abuse of power, intimidation, oppression whilst in the knowledge that the complaint was an abuse of due process and false in its legal content with the knowing intent to cause disabled FSV-PB distress, public humiliation, and to

prevent the further publication in a free press of his and his associates criminal activities;

- Did 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 and the LCFA into Public disrepute and contempt.

4.02. This list continues to be is neither exhaustive nor exhausted because there remains the small matter of the LFRS suborning and coaching its own principal Witness, 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 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.

#### 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,

*Paul P Burns*

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.



Thursday 8<sup>th</sup> September, 2016.

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Labour Leader-CC J. Mein;  
Labour Deputy Leader CC D. Borrow;  
Lib-Dem Leader- CC.B. Winlow.

**My Ref:** PB01016 DeMolfetta Final.

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

Dear Council Leaders,

I am neither surprised nor disappointed by your lack of personal courtesy to me in failing to either formally acknowledge or reply to my recent correspondence on the above matter.

I remind you that in this correspondence I had sought your guidance in the procedure to be adopted in bringing formal charges, in effect impeachment, against Lancashire County Councillor F.De Molfetta(Labour) and to which LCC Committees, Scrutiny or Discipline, or both, I might direct my formal documentation.

It seems that you are intent in ignoring your Public and Statutory duty which I have placed before you all.

At this point I intend to publish my correspondence and circulate it to not only to my Member of Parliament but to the Members of Parliaments of the Constituents whom I represent, urging these MPs that they insist, in the democratic process, that you implement your Statutory and Public duty in every respect and at the very least respond

fully and promptly to my correspondence.

I am sure the Electorate of Lancashire, indeed my worldwide Readers of 'The Morning Bugler', must find it incomprehensible that in the supposed oldest democracy in the free world and the so called 'Mothers of Parliaments' that I have found it necessary to remind you of your Publicly elected duty.

I attach for your continued information and action an updated letter which continues to add to the grave charges which I will lay against CC DeMolfetta.

You will note of particular gravity the charge that CC DeMolfetta did knowingly and with the complicit and conspiring support of others, yet to be identified, interfere with, obstruct, and unlawfully intercept my electronic communications with elected Members both at the LCC; the LFRS; and the constituent Local Authorities of the Lancashire Combined Fire Authority contrary to 'The Regulation of Investigatory Powers Act 2000, S1'.

There can be no other explanation for the complete lack of individual Member's response to Statutory documents electronically circulated and served on them in in September 2013 and in June 2016, and at other times.

Should you fail to respond within the next 7 days then I shall without further notice proceed to lay Public charges against CC. F.DeMolfetta and circulate the documentation as I see fair and proper and of course in the light of your failure to respond on the 3 occasions I have now provided you with, I shall prefer charges of Misconduct in Public Office against you all, including in the case of the Labour Group your Deputy, CC D. Borrow.

Please acknowledge receipt by return.

Yours Truly,

A handwritten signature in black ink that reads "Paul P Burns". The signature is written in a cursive style with a large initial 'P'.

Divisional Fire Officer (Rtd)



Thursday 15<sup>th</sup> September, 2016.

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Labour Leader-CC J. Mein;  
Labour Deputy Leader CC D. Borrow;  
Lib-Dem Leader- CC.B. Winlow.  
LCC - CEO Ms.J.Turton.

**My Ref:** PB01116 CEO.

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

**Mr.I. Young County Solicitor & Monitoring Officer**

Dear Chief Executive,

In the absence of either an acknowledgement or response from the LCC Coalition Leaders within the 7 days I stipulated previously I must assume that that they are not prepared to assist or guide me in bringing a Complaint of breach of the LCC 'Code of Conduct' against Lancashire CC Mr. F.DeMolfetta and I needs must proceed by following the Statutory route.

**1.00. Statutory Officers General Duties:**

1.01. Under the Local Government and Housing Act 1989 S4(a) you are one of a number of LCC 'officers' holding politically restricted posts. In addition you are designated as the 'head of the LCC's paid services' and thus with Statutory duties within the meaning and provisions of the Act.

1.02. Mr.I.Young, Director of Governance, Finance and Public Services is also a

Statutory chief officer who in addition is the LCC County Solicitor and the officer designated as the LCC's Monitoring Officer.

1.03. It is recognised that you both have the relevant authority to discharge the Statutory duty to report to the LCC Full council and its elected Members any matter that may be illegal, in breach of a code of practice, e.g., 'Code of Conduct' or an action likely to result in maladministration, injustice, or in questions involving corporate legal propriety.

## 2.00. **The Monitoring Officer(MO).**

2.01. As the designated monitoring officer Mr.I.Young has a specific 'personal' Statutory duty pursuant to Sections 5 and 5A of the 1989 Act and its general provisions which is to ensure that the council, its officers, and its elected members maintain the highest standards of conduct.

2.02. In summary Mr.I.Young's three main roles are:

- to be responsible for matters relating to the good conduct of councillors and LCC officers, including himself;
- to report to the Full Committee of the LCC on matters he believes are, or are likely to be, illegal, or amount to maladministration, injustice, impropriety, legal probity, or unlawful, particularly in this case in respect of CC F.DeMolfetta actions;
- to be responsible for the assiduous operation of the LCC's Constitution.

2.03. As a key guardian of the LCC's local government corporate legal propriety Mr.I.Young, and in the case of the LCC, who is also the County's Solicitor, is expected as an 'officer of the court', namely a practising solicitor, to discharge his duties with absolute *impartiality and honesty*, which is an essential skill for any monitoring officer, whilst ensuring that the appropriate processes are followed *transparently*.

It is important that Mr.Young is able to maintain and uphold these inviolable standards in public office, free of the influence of those who may wish to circumscribe his actions, whilst maintaining a personally credible position of public fairness and transparency which has the Public's trust and confidence.

2.04. Unfortunately, reflected in correspondence, Mr.I.Young has, in dissimulation from the outset, knowingly failed to grasp the significance of my Complaint which was laid in comprehensive outline before him making it abundantly clear that this Complaint was not about a pension matter *per se* but about the misconduct of a Lancashire County Councillor, County Councillor F.DeMolfetta, who happened to be responsible for these matters on the LCFA where his assigned duties by the LCC Coalition Leaders' placed him.



- 2.05. This led Mr.I.Young to a further deliberate failure of Statutory duty in that he failed to indicate to me what LCC procedure I could adopt to bring CC F.DeMolfetta's misconduct before him and the elected Members of the LCC, or its delegated sub-committee. Nor did he indicate to me how he intended to fulfil his Statutory duties.
- 2.06. Mr.I.Young did not, in yet another deliberate failure of Statutory duty, indicate to me that it was nevertheless his intention to not only investigate the Complaint, even at a preliminary stage, for which the LCC are required under S28(6) of the Localism Act 2011 to make provisions; nor even to prepare a report of these investigations set against my allegations for the benefit of elected Members, and indeed the accused, and for which he has a personal Statutory duty.
- 2.07. Indeed I found it perplexing that Mr.I.Young failed to inform me that he was both the County Solicitor and also acting as the LCC's monitoring officer though this is perfectly lawful.
- 2.08. Nor did Mr.I.Young indicate to me his ultimate intention which ought to have been to prepare a monitoring officer's report or even engage the 'Independent Person', which is once more a Statutory provision of the Localism Act 2011 leading to a presentation document for the LCC's Full Committee or the appropriate sub-Committee/s.
- 3.00. Due Process – Lack of Confidence.**
- 3.01. As a consequence I cannot therefore have either least confidence in Mr. I. Young's competency, honesty, transparency or integrity; nor in his ability or commitment to discharge his Statutory function and the other essential functions which one has a right to expect in the LCC's Monitoring Officer.
- 3.02. In my mind at this very early stage, and in the mind of those I represent, this failure to engage properly in the Statutory process, which he is required to, has caused consequential and irreparable damage to Mr.I.Young's professional legal reputation of impartiality and honesty and surely must call in question his continued suitability as a Statutory Monitoring Officer, all of which has, as a consequence, further eroded the public confidence of Fire Service Veterans, their Widows, and Beneficiaries in the LCC.
- 3.03. How the practicality of the replacement of Mr.I.Young, because of the lack of personal and Public confidence in him, and his general unsuitability to deal with my Complaint against CC.F.DeMolfetta, and how these matters are to be addressed is a matter for you as his CEO and the political Coalition you both serve; but nevertheless in serving my Complaint on you it does bring with it the same Statutory duties which the law requires you in substitution to discharge.

4.00. **'Code of Conduct' - Breaches - CC.F.DeMolfetta.**

4.01. County Councillor F.De.Molfetta when placed in elected office did act contrary to The Local Authorities(Model Code of Conduct) Order 2007 No.1159 in that he,

a) Did *knowingly in breach of the LCC 'Code of Conduct'* 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 operational Fire Service Injury;

b) Did *knowingly in breach of the LCC 'Code of Conduct'* 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 wishes of the Full Committee of the LCFA and its compliance with Human Rights at the commencement of their Pension Management Debacle in September 2007;

c) Did *knowingly in breach of the LCC 'Code of Conduct'* without the knowledge, or express, or retrospective 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 of 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; this is in contravention of the Pensions Act 1995(as amended) concerning Pension Scheme Members rights;

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;

d) Did *knowingly in breach of the LCC 'Code of Conduct'* without the knowledge, or express, or retrospective 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 expenses claims with them;

e) Did *knowingly in breach of the LCC 'Code of Conduct'* without the knowledge, or express, or retrospective, 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 Pensions Ombudsman into making incorrect legal Determinations based on false documents and statements deliberately supplied to his Court by Mr.Warren;

f) Did *knowingly in breach of the LCC 'Code of Conduct'* on or about the 5th September 2013, without the knowledge, or express, or retrospective authorisation of the Full Committee of the LCFA breach the Statutory Pension IDRPs in respect of disabled FSV-PB Statutory Stage II Application by mendaciously '*giving the impression*' 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;

*"2.(b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly."*;

g) Did *knowingly in breach of the LCC 'Code of Conduct'* on or about the 5th September 2013, without the knowledge, or express, or retrospective approval of the Full Committee of the LCFA, with the complicit and conspiring support of others, yet to be identified, interfere with, obstruct, and unlawfully intercept my electronic communications, contrary to 'The Regulation of Investigatory Powers Act 2000, S1', with elected Members both at the LCC and the constituent Local Authorities of the Lancashire Combined Fire Authority to prevent the service and distribution of Statutory documents in connection with Statutory IDR Procedures thus placing the LCFA in contravention of the applicable Statutory Instrument.

h) Did *knowingly in breach of the LCC 'Code of Conduct' and in dissimulation mislead*, with the complicit agreement of the Clerk to the Fire Authority and Pension Scheme manager Warren on 15th January 2016 by failing to place the Complaint of Conspiracy to Defraud of disabled FSV-RRB complete and unabridged before the Full Committee of the Fire Authority so that they could, in Statutory duty, make a determination on the full facts and evidence placed

before them;

i) Did *knowingly in breach of the LCC 'Code of Conduct'* in January 2016 without the knowledge, or express, or retrospective approval of the Full Committee of the LCFA authorise Mr. Warren, in the case of disabled FSV-RRB, to deliberately mislead 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;

j) Did *knowingly in breach of the LCC 'Code of Conduct'*, 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;

k) Did *knowingly in breach of the LCC 'Code of Conduct'*, and by dissimulation, mendacity, and simple falsehood '*give the impression*', twice in writing, to this Applicant that his Application had been placed before and adjudicated on by the Full Committee of the LCFA on the 20<sup>th</sup> June 2016 at its AGM when he knew that statement to be a false misrepresentation later confirmed by County Councillors who were present who stated that this Application *had not* been so presented to them;

*"2.(b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly."*;

l) Did *knowingly in breach of the LCC 'Code of Conduct'*, as a consequence of his unlawful actions place the LCFA on the 17<sup>th</sup> August 2016, once more, in contravention of their Statutory duty and in breach of the 1995 Pensions Act (as amended) and its provisions.

Another contravention in which it remains;

m) Did *knowingly in breach of the LCC 'Code of Conduct'*, on or about the 20<sup>th</sup> June 2016, without the knowledge, or express, or retrospective approval of the Full Committee of the LCFA, with the complicit and conspiring support of others, yet to be identified, interfere with, obstruct, and unlawfully intercept electronic communications, contrary to 'The Regulation of Investigatory Powers Act 2000, S1', with elected Members both at the LCC and the constituent Local Authorities of the Lancashire Combined Fire Authority to prevent the service and distribution of Statutory documents by disabled FSV-FG in connection with his Statutory IDR Procedures thus placing the LCFA in

contravention of the applicable Statutory Instrument.

n) Did *knowingly in breach of the LCC 'Code of Conduct'* in complicity with CFO Kenny and the LFRS Finance Manager Mr.K. Mattinson without the knowledge, or express, or retrospective approval of the 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;

o) Did *knowingly in breach of the LCC 'Code of Conduct'* 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;

p) Did *knowingly in breach of the LCC 'Code of Conduct'* without the knowledge, or express, or retrospective 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 criminal charges to be laid against him thus denying fundamental Justice to those Mr.Hamilton had bullied;

q) Did *knowingly in breach of the LCC 'Code of Conduct'* 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;

r) Did *knowingly in breach of the LCC 'Code of Conduct'* 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;

s) Did *knowingly in breach of the LCC 'Code of Conduct'* without the knowledge, or express, or retrospective approval of the Full Committee of the LCFA, appoint in direct contravention of S7(Appointment on Merit) of the Local Government and Housing Act 1989 and 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 without publicly announcing the successful candidate thus, in

breach of the law, denying suitable candidates of their lawful and equal opportunity but giving them the 'impression' that public appointment procedure had been followed;

t) Did *knowingly in breach of the LCC 'Code of Conduct'* without the knowledge, or express, or retrospective 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 Clerk 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 him and to prevent the further publication in a free press of CC DeMolfetta's and his 'associates' criminal activities;

u) Did *knowingly in breach of the LCC 'Code of Conduct'* 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.

Please acknowledge receipt by return.

Yours Truly,



Divisional Fire Officer (Rtd)



LSGCM

Exemplary Fire Service



United Kingdom

Oklahoma Medal of Honor  
Honorary Citizenship



Oklahoma USA

Order  
Excellent Firefighter



Soviet Union

CC

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

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

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

Under-Secretary of State for Pensions Mr.R.Harrington M.P.

Shadow Minister-Cabinet Office Mr.T.Watson M.P., Deputy Leader Labour Party.

Leader of the Liberal Democrats Mr.T.Farron M.P. Leader-Liberal Democrats.

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

Information Commissioners Office.

The Pensions Ombudsman. Mr.A.Arter.

Pensions Regulator. Ms.L.Titcombe.

All elected Members of the Lancashire Combined Fire Authority.

CEO Ms.J.Turton – By Hand this date.



Monday 21<sup>st</sup> November, 2016.

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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:** PB01216 CEO.

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

**Mr.I. Young County Solicitor & Monitoring Officer.**

Dear Chief Executive,

It is over two months since I lodged my formal complaints of gross misconduct against County Councillor Mr. F.De Molfetta(Labour) and Mr.I. Young County Solicitor & Monitoring Officer. You have failed to respond, and/or as far as I can determine, you have not taken the slightest action.

1.You will recall that I hand delivered the attached formal letter of Complaint to County Hall on the 15<sup>th</sup> of September 2016 and by electronic transmission the same day. The latter which the LCC server auto acknowledged.

2.The least courtesy I might have expected was a personal acknowledgement from you and an indication of the Statutory action you proposed to initiate or indeed have initiated in the extended time you have now had at your disposal.



3. In carrying out your Statutory duty, a legal duty which is both personal and corporate, I would have expected that you would have routinely informed the LCC Coalition Leaders, CC Mrs. J. Mein (Labour Leader) and CC B. Winlow (LibDem Leader) of these serious complaints unless of course they routinely receive Complaints with such a serious content.

4. To ensure that they in any event could not claim subsequently that they were unaware of my Complaints both Party Leaders were individually copied into all this correspondence.

5. It may well be that they have both directed you to take no action but such an instruction would be unlawful because it would instruct you to breach your Statutory duties and would not in any event, per se, exonerate you from the professional and legal consequences of failing to carry out that individual Statutory duty.

6. If however they have indeed both authorised/instructed you to take no Statutory action which the law requires you to implement and you have agreed to comply with this instruction then both Leaders and you have colluded in what can only be described as a complicit, knowing, criminal act.

7. The Electorate can, as a consequence, quite reasonably conclude that both CC Mein and CC Winlow as Leaders of their respective Parties reached a conclusion, without carrying out the requisite Statutory investigation set against the prima facie evidence presented to them, that there are no cases to answer. In effect secret judge and jury in this matter.

8. That being so, it logically follows that the Electorate, with the CC Elections advancing next May 2017 can only conclude that CC Mein and CC Winlow and their respective Parties approve of open corruption and criminality not only in the Councillors under their jurisdiction but in the LCC civil servants whom they instruct.

9. To reach such conclusions it inevitably follows that both you and the Coalition Leaders must have had secret discussions and meetings at the conclusion of which you all decided to take no further action which is a complicit conspiracy to breach the Statutory Law.

10. One assumes that in order to professionally protect yourself to some degree from a criminal decision of the Coalition Leaders you will surely have insisted that any such an ultra vires decision by them would have been issued to you in writing?

11. I would like to have a copy of such an unlawful instruction.

12. But to reiterate the point even this does not exonerate or excuse you from breaching the Statute Law.

13. That being so I request under the Freedom of Information Act 2000 and because it centres on my subject data, namely, my Complaints under s7, the Data Protection Act 1998 you provide me, within the applicable Statutory periods, the following information and that the Lancashire County Council and their agents shall, inter alia, deliver up to me relevant *copies of all records* – my subject data- in their possession, power, custody, or control **relating directly or indirectly to my complaint(s)** in which I am alluded or referred to;

**NB.01:**

**‘Communications’.**

For the purposes of this Request ‘communications’ is defined in its broadest sense which includes correspondence; phone text messages; emails; contemporaneous notes; Minutes; telephone conversations; reports; and recordings of vox conversations whether by

electronic means or otherwise. The foregoing examples are not meant to be exhaustive, nor exclusive;

'All', as defined in the OED.

**NB.02:**

**1998 Data Protection Act - Section 27 Preliminary:**

(5) Except as provided by this Part, the subject information provisions shall have effect notwithstanding any enactment or rule of law prohibiting or restricting the disclosure, or authorising the withholding, of information.

**NB.03:**

**1998 Data Protection Act - Section 35 Disclosures Required by law or made in connection with legal proceedings etc:**

(1) Personal data are exempt from the non-disclosure provisions where the disclosure is required by or under any enactment, by any rule of law or by the order of a court.

(2) Personal data are exempt from the non-disclosure provisions where the disclosure is necessary—

(a) for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings), or

(b) or for the purpose of obtaining legal advice, or

*or is otherwise necessary for the purposes of establishing, exercising or defending legal rights.*

**NB.03:**

**1998 Data Protection Act - Section 61 - Liability of Directors etc.**

Sub Section 1, of the DPA establishes corporate liability thus:

- (1) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

14. Finally, there is the assumption that all these matters have been routinely reported by you to the lead LCC Scrutiny Committee and if indeed you have not performed such a duty then you should take due note that it is my intention to copy all my original complaint correspondence and this current correspondence to them individually. There can be no excuse of ignorance of these events on their parts either.

15. It is important to record that should you fail to respond once more then I shall without further notice seek a Ministerial Inquiry into these corrupt activities at the LCC.

Indeed I shall seek, through personal contact with her office and The Prime Minister's Committee on Local Government Rules of Conduct to encourage the Rt Hon Mrs T. May MP to call this matter in for her personal attention as an example of the completely corrupt failure of local government in one of the largest local authorities in the UK under her jurisdiction.

Yours Truly,



Divisional Fire Officer (Rtd)



Friday 23<sup>rd</sup> December, 2016.

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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 22<sup>nd</sup> 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 22<sup>nd</sup> 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 31<sup>st</sup> 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.