



FLAXBY PARK

MAKING LIFE COMPLETE

3 May 2019

Dear Councillor Burnett

I refer you to my letter dated 27 March 2019, which concerns your defamatory written and verbal comments in relation to Flaxby Park Limited (FPL).

I note that you have failed to respond to the letter, which suggests that you are unable to rely on any evidence to substantiate your claims, but rather than withdraw and apologise for your remarks, you have chosen to remain silent. I find this discourteous and is a clear indication of your refusal to accept responsibility, which is regrettable to say the least.

I am satisfied that you are guilty of defaming my company and misleading the public by your misguided comments, but I am also of the opinion that:-

- a) In all probability you did not act with malicious intent.
- b) Any remedy I seek should be proportionate and reasonable.

With a) above in mind, I have concluded that you displayed poor judgement and a scant disregard of your responsibilities in relation to the Nolan 'seven principles of public life', due to your inexperience and incapacity to perform your role as an Elected Representative to an appropriate standard.

The Nolan 'seven principles of public life' are as relevant today, as they were in 1995, when they were introduced. It might assist you if I highlight the content of principle three, which states that Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. Sadly, you are in breach of this principle and others, but I hope that you will learn from your abuse of my company and treat others with greater respect and dignity in the future.

Having regard for a) and b) above, I do not intend to instigate civil litigation against you or submit a complaint to the Council Monitoring Officer requesting a formal investigation into your conduct. Under the circumstances the former would be disproportionate and the latter would be futile, due to the limited powers of 'punishment' invested in the Council Standards Committee.

I will therefore rest my case in the knowledge, that you are unlikely to abuse your power and authority in the future, as I have no doubt that this situation has caused you some concern over recent weeks. However, you can be absolutely assured that I will not hesitate to use the full weight of the judicial process if I glean any evidence in the future that you have defamed Flaxby Park Limited or treated my company with disregard or with malicious intent.

I will also write to the Monitoring Officer for your Council, so that the content of this episode can be 'filed' for future reference, in the event that you are subject to other investigations or proceedings.

Yours sincerely

Chris Musgrave