

M362/19

**Anthony Upson  
35/37 Ringwood Way  
Hemsworth  
Pontefract  
West Yorkshire  
WF9 4SP  
13/06/2019**



**In the High Court of Justice, Queen's Bench Division**

**In the Matter of the Representation of the People Act, 1983**

**And in the Matter of a Local Government Elections for Hemsworth Town Council, Held on the 2nd day of May 2019**

**The Petition of Anthony Upson of 35/37 Ringwood Way, Hemsworth, Pontefract, West Yorkshire, WF9 4SP shows:-**

- 1. That the Petitioner Anthony Upson was a candidate at the above election**
- 2. That the election was held on the 2nd day of May 2019 when**

**Hemsworth South  
BUGGE, Steve independent  
HIRST, Graham independent  
MITCHELL, Eric independent  
Hemsworth West  
PRINGLE, Linda independent  
WOMERSLEY, Ian independent  
Kinsley Ward  
ECCLES, Harry Gordon independent  
ECCLES, Jean Elizabeth independent  
independent HARDACRE, Peter independent**

**were Independent candidates, and on the 2nd day of May 2019, the Returning Officer declared them to be duly elected.**

**BUGGE, Steve  
HIRST, Graham  
MITCHELL, Eric  
PRINGLE, Linda  
WOMERSLEY, Ian  
ECCLES, Harry Gordon  
ECCLES, Jean Elizabeth  
HARDACRE, Peter**

- 3. That the election was avoided by corrupt or illegal practices or on the grounds specified in Sections 164 and 165 of the Representation of the People Act 1983 (as amended)**

4. That on the evening of the 30th April 2019 and during the day of the 1st May 2019, an additional leaflet on behalf of the Independent Candidates, was widely distributed in the Wards of Hemsworth South, Hemsworth West and Hemsworth Kinsley, that stated false "facts", that the Council leader Anthony (Tony) Upson (labour) and former Town Clerk Tina Pattison (recently retired) had amongst other things :

- committed deception
- Acted unlawfully
- paid a contractor £356, 326 V.A.T. on a bogus invoice
- Claimed to have received £50,000 pounds that does not exist
- Paid £45,000 "hush money" to a former employee

The full leaflet is attached.

No labour candidates were elected in the South ward, Kinsley ward and only 1 in the West ward of Hemsworth, where the leaflets were distributed.

Myself a Labour candidate losing by as little as 4 votes to Mr. Eric Mitchell

All 3 seats in each ward had all been labour held at the last election in 2015.

The leaflets were not distributed in the Fitzwilliam ward.

All the seats in the Fitzwilliam ward were won by labour in 2015 and retained in this election convincingly.

Mr James Kenyon of 45 Grove Avenue Hemsworth Pontefract West Yorkshire WF9 4JB, the publisher, printer and promoter of this leaflet and others for the Independent "group" was an independent candidate in the elections for the Hemsworth East ward and was elected uncontested. He was a former Hemsworth Town Councillor from 2011 until losing his seat in 2015.

He has been informed over the years that the concerns he has repeatedly raised are without foundation. The land sale was put together by the Governments Valuation office (Mr. Philip Lee) Legal advice taken from DLH piper (Leeds), specialist advice with regards to the VAT aspects involved, Queens Counsel advice sought and taken, our own solicitor Mr. Glyn Jones, and the recent offers made by the contractor to settle were rejected under solicitors advice late last year.

The Town Council was subject to a VAT inspection specific to this land deal in 2012 and the inspectors were satisfied.

Mr Kenyon would have been aware of this in his time as a Councillor but he was also re-informed of this at a recent Electors meeting when he raised this issue. The letter was read out to the meeting and Mr Kenyon informed he could have a copy if he wished by writing to the council. He did not do so.

Despite this, a false fact of a bogus invoice and payment was contained in his leaflet.

Additional evidence will be supplied for the other points raised on the leaflet

The Petitioner therefore prays:-

(1) That it may be determined that the said

respondent: MITCHELL, Eric 7 Valestone Avenue Hemsworth Pontefract West Yorkshire wf9 4JQ

BUGGE, Steve

HIRST, Graham

PRINGLE, Linda

WOMERSLEY, Ian

ECCLES, Harry Gordon

ECCLES, Jean Elizabeth

HARDACRE, Peter

were not duly elected and that the election was void

(2) That the Petitioner may have such further or other relief as may be just in that Mr James Kenyon of 45 Grove Avenue Hemsworth Pontefract West Yorkshire WF9 4JB be disqualified from office as a Hemsworth Town Councillor (Hemsworth East ward), be barred from standing from future office for a period deemed appropriate by the court and any other sanction the court deem appropriate .

Dated this 22nd day of May 2019 .

(signed) *A Upson*

Petitioner

This petition was presented by **Anthony Upson** whose address for service is of **35/37 Ringwood Way, Hemsworth, Pontefract, West Yorkshire, WF9 4SP**