

**Milly Southworth**

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**From:** Torpoint Town Council <admin@torpointtowncouncil.gov.uk>  
**Sent:** 10 December 2024 09:30  
**To:** Milly Southworth  
**Cc:** Phil Griffiths  
**Subject:** FW: CORNWALL COUNCIL CARPARKS. AGENDA ITEM 4. ECONOMIC SCRUTINY TOMORROW. FRAUD.

**Harriet Bastin**

Torpoint Town Council Support Officer

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**From:** NEWQUAY AIRPORT LEGAL <legalnewquayairport@gmail.com>

**Sent:** 09 December 2024 16:45

**To:** newquayairportlegal@gmail.com

**Subject:** Fwd: CORNWALL COUNCIL CARPARKS. AGENDA ITEM 4. ECONOMIC SCRUTINY TOMORROW. FRAUD.

**OPEN LETTER TO ALL PARISH AND TOWN COUNCILS IN CORNWALL**

Dear Councillor,

We provide to you a copy of the Legal Notice filed this afternoon upon the Chairman of Economic Scrutiny at Cornwall Council dealing with this Public Interest matter tomorrow.

We hope you can see that our Recommendation 1, protects your interests.

Thankyou.

**NED BOARD**  
**NEWQUAY AIRPORT LTD**  
**9th December 2024**

Newquay Airport Legal is the Legal Office of a special purpose investment vehicle, to acquire 100% of Cornwall Airport Ltd on 31st December 2024 and create significant value for Cornwall taxpayers and other shareholders alike, operationally and strategically led by an entrepreneurial team with a track record of significant value creation, in the aviation and automotive and tourism, property and asset sectors. We also shall be at the vanguard of “green aviation” and improve connectivity in Cornwall, England.

<https://www.newquayairportuk.com/>

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From: **NEWQUAY AIRPORT LEGAL** <[legalnewquayairport@gmail.com](mailto:legalnewquayairport@gmail.com)>

Date: Mon, Dec 9, 2024 at 4:40 PM

Subject: CORNWALL COUNCIL CARPARKS. AGENDA ITEM 4. ECONOMIC SCRUTINY TOMORROW. FRAUD.

To: Cllr Tim Dwelly <[cldr.tim.dwelly@cornwall.gov.uk](mailto:cldr.tim.dwelly@cornwall.gov.uk)>

Cc: Cllr Adam Paynter <[cldr.adam.paynter@cornwall.gov.uk](mailto:cldr.adam.paynter@cornwall.gov.uk)>, Cllr Adrian Harvey

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Dear Chairman Dwelly,

**RE: Agenda Item 4 Economic Development and Scrutiny Committee 10th December 2024.**

<https://democracy.cornwall.gov.uk/ieListDocuments.aspx?CId=1200&MIId=13648&Ver=4>

We bring a solution, as well sadly an explanation of the problem.

We are quite sure that you shall be completely unaware of the Initial Parking Ltd scandal, that is the genesis of the Agenda Item tomorrow.

What Mr Mason (the Petitioner of Recommendation 1) is attempting to conduct, using you and your Committee as “cover” an effective divestment of 25 Cornwall Car Parks to Initial Parking Ltd.

Wrongdoing is afoot, be in no doubt.

What you shall find out about Initial Parking Ltd and how it came to have such an incestuous relationship with Cornwall Council/Conserve shall probably astound you.

### **THE SOLUTION**

Recommendation 1 provided to your Committee for tomorrow cannot in law be legally approved due its genesis in Fraud.

*"Fraud unravels everything"* Lord Denning

But in any event, to *de facto* hand over 25 Cornwall Council car parks (without Parish or Town Councils having an opportunity to Bid - or ourselves or any other entities - we have provided an Indicative Bid today through our corporate office, which you and other Members of the Committee have been provided) to Initial Parking Ltd, would be scandalous and a vile breach of the “Best Value” principles reviewable at:

<https://www.gov.uk/government/publications/best-value-standards-and-intervention-a-statutory-guide-for-best-value-authorities/best-value-standards-and-intervention-a-statutory-guide-for-best-value-authorities>

So we propose an alternative Recommendation 1 for you to consider please:

### **RECOMMENDATION 1**

*“We the Economic Growth and Development Overview and Scrutiny Committee of Cornwall Council, instruct the CEO, that she must appoint (through a transparent bidding process) external independent Agents, to market the sale (and/or Operating Licence) of the 25 Cornwall Council car parks detailed within the Report to our Committee today, upon Agenda Item 4 and that we state that all Parish or Town Councils of Cornwall and the private sector,*

*must have a transparent and fair process opportunity to Bid for the acquisition of and/or Operating of the 25 Cornwall Council car parks”*

## **THE PROBLEM**

We know a-lot about exactly how Initial Parking Ltd curiously came to be appointed as the “Operator” for Towan Headland Car Park.

It was not a transparent or open or Public Interest transaction (>£500,000) deliberately conducted secretly (to avoid a Scrutiny Committee) by the following persons of interest:

1. Mr Philip Mason
2. Ms Tracie Langley
3. Cllr Louis Gardner
- 4: Mr Nicholas Briant

who deliberately subverted justification of any Scrutiny Committee to review the Contract with Initial Parking Ltd which is in fact and law considerably in excess of £500,000 value (the trigger that should have required it to go to a Scrutiny Committee).

Towan Headland Carpark has c250 available parking spaces. There is no reason that it would not turnover in excess of £1 million per annum. Towan Headland is a Leasehold property controlled by Cornwall Council from Britanic Industries Ltd [Britanic], (c950 years remaining upon the Lease) which that Car Park, based upon revenues alone (1XTurnover PE) would again value it at in excess of £1 million.

We indeed were prepared to pay considerably more to acquire the Freehold from Britanic and thus the Lease is valued in excess of £500k so a further "value" metric that should have previously ensured that the matter of the granting of a Contract to Initial Parking Ltd (through Corserve Ltd) was always above the £500k threshold.

Ms Langley and Mr Mason of Cornwall Council, were never entitled in law to permit any Contract with Initial Parking Ltd.

They conducted Fraud in law (False Representation and/or Non Disclosure and/or Abuse of Position contrary to the **Fraud Act 2006** (to the civil burden of proof see *Otkritie Investment Bank v Uromov & Ors*)) in the Decision they unlawfully made and the transaction is considered in law to be an “**Unauthorised Transaction**” in law.

*"Fraud unravels everything"* Lord Denning.

**Because the genesis of the Initial Parking Ltd Contract is unlawful, then all that flows is vitiable and Recommendation 1 (de facto passing to Initial Parking a further 25 Cornwall Council car parks) cannot be approved in law - it would further facilitate the genesis Fraud.**

What you may wonder is why was no other Car Parking Operator were ever able to Bid for the Contract with Corserve ? We know exactly why.

All monies - fact and law - by persons paying for tickets is taken into the Initial Parking Ltd machines and is controlled by them. The Contract in law is with them (otherwise they could not conduct the enforcement process - the contract is between the vehicle driver/Licenced Keeper and Initial Parking Ltd) so the Contract is in excess of £500k on any measure.

We are left with no option but to issue to you this Legal Notice (for Judicial Review purposes)

There are no allegations against anyone upon your Committee and you are all victims of what has happened. However now you know of the particularised facts as below you cannot in law Pass the Recommendation 1 of Mr Mason on Agenda Item 4 and the solution in the Public Interest of all Cornwall residents is to now insert our Recommendation 1 above.

## **LEGAL NOTICE**

**RE: AGENDA ITEM 4**

**CORNWALL CARPARKS**

**THE COMMITTEE CANNOT PASS RECOMMENDATION 1 FOR LEGAL REASONS**

**THE POLICY TO *DE FACTO* PASS 25 CORNWALL CARPARKS TO INITIAL PARKING LTD IS LEGALLY FLAWED**

The Committee, have no option in law, but to REFUSE Recommendation 1 of the attached Report for the following reasons.

Legal principles:

*“Fraud unravels everything”* Lord Denning  
*Lazarus Estates Ltd v Beasley [1956] 1 QB 702*

*“Fraud unravels all”*  
*Takhar v Gracefield Developments Ltd & Ors 2019 UKSC*

The genesis of this matter is Fraud at Towan Headland Carpark specifically referred to at 1.4 of the Report to the Committee.

**THE TOWAN HEADLAND CAR PARK FRAUD PARTICULARS**

In light of the known Fraud that took place, in the previous appointment process (see below) without any scrutiny whatsoever, of **Initial Parking Ltd 11760551 [Initial Parking]** who were unlawfully appointed as the **Corserve Ltd 09598549 [Corserve]** [“Operator”] of the car park, known as **Towan Headland, Little Fistral, Newquay** (the alleged case study as detailed within the Report at 1.4 which *“supports the principle of decentralisation”* the foundation of this Agenda Item 4) is completely legally flawed.

**Recommendation 1 cannot be lawfully approved.**

The Committee, because the very genesis of the Report to it, is based upon Fraud and a Fraudulent Business Model, that Cornwall Council developed at Towan Headland, cannot pass Recommendation 1 especially as it would permit further corrupt revenues to (through the Corserve appointed Operator) to go to Initial Parking and Mr Nicholas James Briant.

**SERIOUS CORRUPTION AT TOWAN HEADLAND**

The “disposal” to Corserve to then appoint Initial Parking Ltd 11760551 a car parking Operator based in Birmingham was always unlawful and remains so for the following reasons involving the following four persons..

1. Mr Philip Mason
2. Cllr Louis Gardner
3. Mr Nicholas James Briant
4. Ms Tracie Langley (Evans)

Particulars and Chronology of the Towan Headland Fraud:

1. Mr Nicholas James Briant of **Britanic Industries Ltd 01920534 [Britanic]** became in dispute (2021/2022) with **Cornwall Council** over his Freehold Land which is Towan Headland, Newquay, very long leased to Cornwall Council. Little Fistral car park sits upon his Freehold Land

2. Cornwall Council were operating unlawfully (so Fraud) a carpark below (west) the Old Lifeboat Station at Little Fistral, where it was not permitted to operate a Carpark under the Lease from Britanic. Mr Briant was exceptionally

unhappy about this and felt he should be getting some of the money because he had not permitted it under the Lease. He refused at that time to allow Cornwall Council to paint Disabled Parking areas on that area of land.

3. Mr Briant through his Advisors (one whose wife works within Cornwall Council so the “relationship” was never “correct”) took Cornwall Council to task. Cornwall Council had by 2022 also revoked 11 known parking fines, it had caused to members of the public, when they challenged the Cornwall Council CFO Ms Tracie Langley (the twice civil convicted fraudster and forger (see Sundragon Associates Ltd **06986034**) that they knew she was knowingly conducting Fraud (Lease precluded that element of Little Fistral) operating a public car park, because they knew they were conducting fraud against every single person who paid for a ticket or were fined at the lower parking area at Little Fistral. Thus Fraud by Cornwall Council was proven.

4. Mr Briant used the dispute to his advantage, to gain leverage over a renegotiation and terms within the Lease, to his advantage and to “shoe in” his mates at Initial Parking. That was all conducted in secret. Cornwall Council refuse to release previous and amended copies of the Lease. You may seek to question why ?

5. Again this was all done in secret by Ms Langley, Cllr Gardner, Mr Mason, in a conspiracy, with Mr Briant. All very neat, where everyone, except the taxpayer and motorist, got something they wanted. No other entity was even provided the opportunity to Bid to take over the carpark, contrary to law. Why ? Another Fraud.

6. A false cover story was even created by Cllr Gardner and Cornwall Council (that there was anti social behaviour at the carpark - yet curiously no Police evidence whatsoever) to cover and act as a mask, of what was really going on, which was that Cornwall Council wanted to cover up its Fraud and nepotism relationship of Cllr Gardner with Mr Briant (known un minuted meetings and communications) and Mr Briant wanted more money. All very convenient.

7. The Tender of the Car park should have gone out to Public Tender. You might want to question why ? Fraud conduct by Cornwall Council.

8. There should have been no variation of the Lease, unless again it should have gone out to Tender. Why did it not go out to Tender ? Fraud conduct by Cornwall Council.

9. How do we know all this ? Mr Briant is a known businessman of disrepute to this Company. Two Directors (Executive and one NED) of this Company, know Mr Briant well and through a different entity, sought to acquire Britanic (for a Consideration agreed of £42m subject to terms and contract) which also holds a lease from Cornwall Council to (the separate) Fistral Beach (where all the shops and bars are) (has that c65 year Lease also been amended to the benefit also of Mr Briant/Britanic ? - too much goes on in secret at Cornwall Council) and all of the retail/bar/restaurant units there and also Tolcarne Beach and it's Hotel.

Mr Briant “welched” on that acquisition deal.

Mr Briant proved himself to be wholly dishonest.

In the negotiations for that proposed acquisition, Mr Briant informed the Directors, in the final stages, that he received a kickback of c£1,000,000 per annum, from Initial Parking Ltd (for operating (Britanic provides the Operating Rights to Initial Parking, for an above board commercial relationship at Fistral Beach (288 car parking spaces c£2.5 million revenue per annum - probably the most valuable car park in Cornwall) and as was disclosed later to us, the “under the table” extra c£1,000,000 agreement) which was paid, as we were informed by Mr Briant, covertly for the benefit of Mr Briant to an offshore Isle of Man account he ultimately is a Beneficiary of, by Initial Parking.

A criminal and corrupt tax evasion money laundering activity. What makes this even more aggravating that is land owned Freehold by Cornwall Council that is leased to Mr Briant (through Britanic) that he uses to take evade c£1,000,000 out of Cornwall every year to an offshore entity. Something out of “Panama Papers” Mr Briant disclosed to the Directors that he wanted extra consideration to cover his “losses” of monies flowing to the Isle of Mann, post the proposed acquisition of Britanic (he knew we were going to take the car park back into our own hands from Initial) (to include all at Fistral Beach and Tolcarne, with an Option upon Towan Headland.

Shortly after Mr Briant disclosed his offshore criminal activity and he was informed that our Directors would have no involvement with any criminality involving offshore tax evasion, relationships broke down.

7. Shortly after, miraculously Initial Parking get an unlawful Decision in their favour from Ms Langley and Mr Mason at Cornwall Council, at the brokered request of Cllr Gardner (who acted as an intermediary) to become (through Corserve) the Car Park Operator at Little Fistral.

How much is Mr Briant getting extra now (consideration fro Initial to get a contract with Cornwall Council/Corserve) from Initial Parking, sent to the Isle of Man ?

8. Was there an option included in the Contract or a side agreement, that when Cornwall Council divested (curiously again involving Mr Mason and Ms Langley and Cllr Gardner) operating itself the 25 Car Parks, the matter now before you, that Initial Parking would get the Contract ? It certainly appears so and is explicit in the Report to you that the car parks are proposed through Corserve to go to Initial Parking.

#### **THE FRAUD FACTS:**

This document is to be provided on oath into the Newquay Airport Judicial Review, so you can take every word as fact upon oath.

As such your Committee is invited to act within law and reject the Recommendation of Mr Mason and insert ours.

Thankyou

**NEWQUAY AIRPORT LTD**

**9th December 2024**

**Cc Economic Development Scrutiny Committee**

**Cc Some other Cornwall Councillors**

**Cc Media**

Newquay Airport Legal is the Legal Office of a special purpose investment vehicle, to acquire 100% of Cornwall Airport Ltd on 31st December 2024 and create significant value for Cornwall taxpayers and other shareholders alike, operationally and strategically led by an entrepreneurial team with a track record of significant value creation, in the aviation and automotive and tourism, property and asset sectors. We also shall be at the vanguard of "green aviation" and improve connectivity in Cornwall, England.

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