



# Botus Fleming Parish Council

## Re. Gross Misconduct by the Parish Clerk – non-disclosure of Planning Information to Councillors over Roodscroft Application

22nd May 2021

Dear XX XXXXXX

BFPC has carefully studied and discussed your letter dated 9<sup>th</sup> May 2021 and reproduced in the Annual Meeting of the Parish Council public meeting's agenda at item 762 (xiii). Indeed it was discussed with you at the Annual Meeting of the Parish Council during the public meeting on 17<sup>th</sup> May 2021.

BFPC feel that their stance was clearly explained to you. However, you chose to ignore BFPC's position and insisted that we investigate your allegations.

BFPC believe that it is important to establish the veracity of your latest letter and your previous series of complaints.

BFPC believe that you are unable to demonstrate any objectivity with regards to your dealings with the Parish Clerk or the Parish Council.

BFPC feel that you launched a protracted vendetta aimed primarily against the Parish Clerk and secondly against the Parish Council.

BFPC do not believe that you have proved that the Parish Clerk has been dishonest or that he has been incompetent.

BFPC believes that the absence of objectivity has again been clearly demonstrated in your latest letter. You wrote, "I must inform you that there are reasonable grounds to believe that the Clerk has also acted dishonestly".

The adjective 'reasonable' imports an objective standard and requires facts and circumstances, which would lead an impartial third party to form the belief or suspicion in question.

Your assumption of the allegation of the Parish Clerk's dishonesty based on the deletion of what you describe as "key words" is not in our opinion evidentially satisfied. Having reasonable grounds is more than having a hunch or suspicion or the predetermined belief in that you are right. BFPC believe that this tempered with you making a subjective judgement results in a failure to prove your case.

BFPC stand by the Parish Clerk who enjoys our full confidence and commend him for his hard work, integrity and professionalism. The Parish Clerk has also had to utilise his reserves of resilience due to the nature of these vexatious complaints.

The Parish Clerk was correct in rebutting some of your allegations made during the public meeting (17<sup>th</sup> May 2021) that you were not aware of all the facts with regards this matter.

The matter was actually dealt with during the public meeting on 27<sup>th</sup> January 2021 as demonstrated in the minutes recorded by the Parish Clerk.

*“Cllr Tamlin advised Councillors that he had personally dealt with the correspondence from the resident Mr Jarvis and acknowledged the noise impact survey which had been commissioned by the resident in connection with the Roodscroft development.*

*The developments encapsulated recreational use and business use on the site. Cllr Tamlin advised that Mr Jarvis had been in contact with Saltash Town Council, the County Councillor and the Planning Principal Development Officer, all of whom would have had access to the noise survey report. Saltash Town Council had, during the Planning Committee Meeting in December 2020, voted to support all the Roodscroft Planning Applications all of which carried the condition that the noise impact survey should be considered.*

*The Roodscroft developments all fall within the Saltash Town Council (North ward) boundary, a point clarified by the Principal Development Officer, although Cllr Tamlin pointed out that although Saltash Town Council were responsible for addressing the Planning Applications, it was the residents of Hatt that would be most affected by any decisions made.*

*Cllr Foot concurred, as did Cllrs. Edwards (Chairman), Fletcher & White, that enforcement issues regarding levels of noise at Roodscroft may arise in future and that Botus Fleming Parish Council should register their concerns on behalf of residents to mirror comments made by Saltash Town Council and to support information already with the Planning Officer.*

*Cllr Edwards (Chairman) noted that the Parish Council needed to be mindful of any development of the new area of land purchased by the new owners of the land at Cross Farm.*

**Action:** *Cllr Edwards to draft a letter for the Planning Officer to register the concerns of the Parish residents in respect to the amount of noise nuisance generated from the Roodscroft site”.*

<https://www.botusfleming.org.uk/data/uploads/1038.pdf>

BFPC cannot see a credible motive or any advantage that could have been achieved by the Parish Clerk in not putting this matter before BFPC. It is our opinion there was nothing dishonest or incompetent in the Clerk’s actions. Indeed BFPC actually dealt with this matter (as above) and further in response to correspondence item 666 at the public meeting of 27<sup>th</sup> January 2021.

*“Yesterday (Wednesday 27th January 2021) Botus Fleming Parish Council (BFPC) at their Parish Council meeting had an opportunity to discuss the Roodscroft Planning Applications.*

*BFPC are aware that we were not asked to comment on the applications as the applicant's site falls within the Saltash Town Council area. You will be aware that the applicant's site is adjacent to our parish and has a direct impact on our residents.*

*BFPC felt that we needed to forward our views and those of our residents and those of Mr Chris Jarvis (correspondence attached) and respond accordingly. BFPC agreed that there are some strong and genuine concerns about noise nuisance at the applicant's site and the negative impact on the lives and well-being of Hatt residents. We believe that it was necessary to raise these concerns and make appropriate comments to Cornwall Council.*

*Two noise impact assessments have been completed. The noise surveys in the south-western part of Hatt demonstrated that the locality to have relatively low background noise levels and were therefore vulnerable to noise impacting from the applicant's site. Condition 10 requires the mechanical sorting and processing of waste within the recycling shed. We believe that this condition needs to be complied with and enforced as the noise nuisance has a direct effect on the well-being and lives of our residents.*

*Motocross bikes can be used at present on land outside the waste site under permitted development rights. We believe that a condition should be imposed that prevents the use of motocross bikes on the applicant's site. Our supposition is that this can be justified as being reasonable against the unavoidable noise, dust and other impacts of the waste site on local residents.*

*A number of other important suggestions have been made to improve the suppression of noise and the impact of noise nuisance for our residents (e.g. the recommendation of the replacement of tonal sirens by "white noise sirens" on the applicant's site plant and vehicles) and BFPC believe that Cornwall Council should carefully consider each one.*

*Cornwall Council and our parish policies (Climate Emergency and Botus Fleming & Hatt Environmental Response (BOTHER)) strive to enhance and improve the lives of our population. By controlling and enforcing what can be reasonably necessary and expected for waste operations, it would reduce the impact of noise pollution and protect our residents".*

*The Parish Clerk then received an email from a resident dated the 30<sup>th</sup> January 2021 that read "Dear Christopher, XXX and I could not have expected anything better than the fulsome support given to us by BFPC in its submission to Cornwall Council.*

*After suffering noise nuisance from Roodcroft for some time we are very grateful for BFPC's help which I feel sure will make a real difference. Please pass on our thanks to Councillors.*

*Yours sincerely".*

*Your statement "also, please confirm that, in the event of a finding of dishonesty, that BFPC will review past decisions and actions that may have*

been influenced by the Clerk's advice or inaction" is noted. However, BFPC do not recognise any findings of dishonesty and will not therefore become further embroiled in an apparent fishing expedition for your perceived mistakes and reviewing past decisions.

Your final paragraph "whether the Clerk has acted incompetently or dishonestly, BFPC should also accept that it is culpable in this matter as it has been wilfully blind to concerns raised about the governance oversight on numerous occasions over the past 2-3 years is noted. However, BFPC reject the allegation.

BFPC feel that we have fully explained our position with regards to your correspondence and allegations.

BFPC sincerely hope that we do not receive any further correspondence on this subject, as it could be construed as being vexatious.

The definition of vexatious complaints is "habitual or vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued".

Sincerely

Cllr David Edwards  
Cllr David Willey  
Cllr Malcolm Fletcher  
Cllr Julian Oakes  
Cllr John Robinson  
Cllr Sally White  
Cllr Mervyn Ellis

**Botus Fleming Parish Council**

