

Botus Fleming Parish Council

www.botusfleming.org.uk



Notice of the Public Meeting of the Parish Council

Members of the Public and the Press are invited to attend all Council meetings

(Public Bodies (Admission to Meetings) Act 1960)

Date: Wednesday 27th July 2022

Time: 7.30pm

Location: St Marys Church Hall, Botus Fleming

To: Chairman & Parish Councillors

Chairman D Edwards

Councillors. M Ellis, M Fletcher, J Oakes, J Robinson, M Solomon, S White, & D Willey (Vice Chairman).

You are hereby summoned to attend the above meeting to consider the items of business.

(LGA 1972 sch.12 para.10(2))

Councillors will be discussing all the items as listed overleaf on the Agenda.

Please do not attend if you are Covid-positive, have symptoms, or are self-isolating

Christopher Cook
Clerk to the Council

11th July 2022

Christopher Cook (CILCA)

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are allowed to take photographs, film and audio record proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful to let the Clerk know of any plans to film or record so that any necessary arrangements can be made to provide reasonable facilities to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public.

Should you wish to record the meeting, you are asked to act in a reasonable manner and not to disrupt the conduct of meetings by, for example, using intrusive lighting, flash photography, or in asking people to repeat statements for the benefit of the recording. Oral commentary may not be made during the meeting. The Chairman has the power to control public recording, and recording must be clearly visible to anyone at the meeting.

Please be aware that whilst every effort is taken to ensure that members of the public will not be filmed, we cannot guarantee this, especially if you are speaking or taking an active role.

Members of the public will be permitted to speak for a period of 3 minutes. Please note that members of the public exercising their right to speak during Public Questions Time may be recorded.

The Parish Council recommend that any questions for Members should be submitted in writing to the Parish Clerk 24 hours before the Meeting and that responses may be put in writing at a later date.

Parish Clerk & Responsible Financial Officer
24 Rashleigh Avenue - Saltash - Cornwall - PL12 4NS
Tel. 07523 005414
clerk@botusfleming.org.uk

7.30pm – Item 997 below (Public Bodies (Admission to Meetings) Act 1960 s.1 extended by LG Act 1972 s.100)

Questions and comments from members of the public (limited to 15 minutes in total)

This provides an opportunity for members of the public (who are not usually permitted to speak during the meeting except by special invitation of the Chairman) to participate before the start of the meeting by asking questions, raising concerns or making comments on matters affecting Botus Fleming and Hatt. No decision can be taken during this session*, but the Chairman may decide to refer matters raised for further consideration. Items of a sensitive nature are not discussed in public and the Council passes a resolution under the above Act

* Councils cannot lawfully decide items of business that are not specified in the Summons/Agenda (LGA1972 Sch.12, paras 10(2)(b) and Longfield Parish Council v Wright (1918) 88Ch.119

Agenda | 27 July 2022

996/2022 Chair's Welcome & Announcements

Health and Safety housekeeping announcement,
Recording of Meetings – Please notify the Chair if you are intending to record this meeting.

997 Public participation

998 To receive Apologies for Absence and approve the reasons given.

(LGA 1972 s.85 (1))

999 Declarations of interest

Parish Councillors will be asked to make any declarations of interest in respect of items on this Agenda. Items A to C accord with the requirements of the Parish Council's Code of Conduct and Item D accords with the Localism Act 2011 s33(b-e). This does not preclude any later declarations.

A. Pecuniary/Registerable Declarations of Interests – Members must declare an interest, which has been declared on their Register of Financial Interests Form, relevant to this Agenda.

B. Non-registerable Interests – Members must declare non-pecuniary interests at the start of the meeting or whenever the interests become apparent.

C. Declaration of Gifts – Members must declare any gift or hospitality with a value in excess of £50.

D. Dispensations – Members to consider any written requests for dispensations.

1000 To approve and sign as a correct record the draft Minutes of the Public Meeting of the Parish Council held on Wednesday 22nd June 2022.

(LGA 1972 sch.12.para 41(1))

1001 Matters arising from the Minutes for report purposes only.

1002 A Report from Cornwall Councillor Martin Worth

- (i) Cornwall Council update**
- (ii) Housing Survey (Landulph & Botus Fleming PCs)
Cllr Dave Edwards – Chairman Botus Fleming PC &
Cllr Martin Worth – Chairman Landulph PC**

1003 Finance

A Accounts for Payment.

Members are asked to note the following items of expenditure for the month of **July 2022**.

Payments Schedule

27 July 2022

Period 4

Date	Payee	Description	BACs ref.	£
27/07/2022	Christopher Cook	Salary	BACS223	249.02
27/07/2022	HMRC	PAYE	BACS224	62.20
27/07/2022	BMS Landscaping	Grass cutting (July)	BACS225	460.00
27/07/2022	Kernow First Rescue	First Aiders service Big Event EMF A/c2	BACS226	420.00
27/07/2022	Philip Blunt	Bouncing Crazy Big Event EMF A/c2	BACS227	275.00
		A/c 1 = £ 771.22		
		A/c 2 = £ 695.00		
All BACs payment amounts today				£ 1,466.22

B Direct bank Receipts & Payments for information

All bank receipts for this period **£0.00**. Total receipts Account1 2022/2023 are **£13,085.52**.

All bank receipts for this period **£3,808.74**. Total receipts Account2 2022/2023 are **£3,808.74**.

Date 27th July 2022

Botus Fleming PC Current Year 2022/2023

Period 4

Receipts & Payments statement as at 27/07/2022

for Cashbook - Current A/c 1 & Business Reserve A/c 2

Bank Statement Account Name(s) Statement Date Amount Balances

Current Account - Lloyds A/c 1	27/07/2022		13,085.52
Business Reserve Account - Lloyds A/c 2	27/07/2022		5,244.45
Lloyds A/c 2 = Earmarked Funds *			
Total Receipts			18,329.97

Available General Funds from 31st March			12,438.86
Less - Payments made A/c1 - Apr			1,484.30
Add - Receipts during April			13,085.52
Less - Payments made A/c1 - May			2,596.96
Less - Transfer A/c1 to A/c2			1,435.71
Less - Payments made A/c1 - June			1,547.89
Less - Payments made A/c1 - June - Loan			2,732.22
Less - Payments made A/c1 - July			771.22
Less - Payments made A/c1 - August			0.00
Less - Payments made A/c1 - Sept			0.00
Add - Receipts during September			0.00
Less - Payments made A/c1 - Oct			0.00
Less - Payments made A/c1 - Nov			0.00
Less - Payments made A/c1 - Dec			0.00
Less - Payments made A/c1 - Dec - Loan			0.00
Less - Payments made A/c1 - Jan			0.00
Less - Payments made A/c1 - Feb			0.00
Less - Payments made A/c1 - Mar			0.00

General Funds as per Bank Statement					14,956.08
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Movement on A/c1 July		Receipts		Payments	Movement +/-
Receipts against Payments		13,085.52		10,568.30	2,517.22

Precept payment due 7/4/22 £10,000.00

Precept payment due 7/9/22 £10,000.00

07/04/2022 Receipt A/c1		Cornwall Council		Precept April 2022	10,000.00
07/04/2022 Receipt A/c1		Cornwall Council		CTS Grant April 2022	33.56
09/04/2022 Receipt A/c1		HMRC		Vat recovery claim	3,051.96
14/09/2022 Receipt A/c1		Cornwall Council		Precept Sept 2022	0.00
14/09/2022 Receipt A/c1		Cornwall Council		CTS Grant Sept 2022	0.00
					13,085.52

27/07/2022 Earmarked Funds receipts *					
Big Event / Christmas Fayre		Account 2		Receipts	3,758.74
Big Event / Assets		Account 2		Receipts	0.00
Playground equipment fund		Account 2		Receipts	0.00
Sports & Recreation Field		Account 2		Receipts	50.00
BOTHER Climate emergency		Account 2		Receipts	1,435.71
Neighbourhood Development Plan (NDP)		Account 2		Receipts	0.00
					5,244.45

27/07/2022 Earmarked Funds payments					
Big Event / Christmas Fayre		Account 2		Payments	990.80
Big Event / Assets		Account 2		Payments	737.40
Playground equipment fund		Account 2		Payments	0.00
Sports & Recreation Field		Account 2		Payments	0.00
BOTHER Climate emergency response		Account 2		Payments	1,476.17
Neighbourhood Development Plan (NDP)		Account 2		Payments	0.00
RFO 27th July 2022					3,204.37

C Bank reconciliation and Earmarked Funds (EMF) balances at 27th July 2022

Date 27th July 2022

Botus Fleming PC Current Year 2022/2023

Period 4

Bank Reconciliation statement as at 27/07/2022

for Cashbook - Current A/c 1 & Business Reserve A/c 2

Bank Statement Account Name(s) Statement Date Amount Balances

Current Account - Lloyds A/c 1	27/07/2022		14,956.08
Business Reserve Account - Lloyds A/c 2	27/07/2022		39,062.17
A/c 2 = Earmarked Funds *			
Total balance			54,018.25

Unpresented Cheques (Minus)		0.00	0.00
			54,018.25
Receipts not banked / Cleared (Plus)		0.00	0.00
			54,018.25
		Balance per Cash Book is :-	54,018.25
		Difference is :-	0.00
General Funds as per Bank Statement		Available General Funds	14,956.08

27/07/2022 Earmarked Funds *		
Big Event / Christmas Fayre		6,269.63
Big Event / Assets		173.60
Playground equipment fund		25,583.38
Sports & Recreation Field		2,508.67
BOTHER climate emergency response		108.23
Local Elections Fund 2025		3,000.00
Neighbourhood Development Plan (NDP)		1,418.66
RFO 27th July 2022		39,062.17

D Monthly budget monitoring balances at 27th July 2022

Summary Expenditure Account Year ended 31st March 2023 Monthly Budget monitoring

YEAR END 2022-2023

Period 4 - July

Lloyds Current Account A/c 1 - 38772468	Budget 2021	Expenditure 2021	Budget 2022	Expenditure as at 27/07/22	Budget available
	*		*		
Expenditure					
Clerk's Salary & Locum expenses	3,750	3,298	3,735	1,111	2,624
HMRC	686	810	700	278	422
		4,108		1,389	
General & Administration					
Postage & Admin Office allowance	350	328	350	82	268
Legal & Website fees	500	585	500	307	193
Legal - Recreation Field	50	90	100	0	100
Elections & Adverts (see EMF A/c2)	3,000	255	0	0	0
Training Expenses Subscriptions	800	637	800	344	456
		1,895		733	
Contracts					
Grass cutting	4,250	3,414	4,250	1,890	2,360
Dog bin cleansing	700	480	500	728	-228
Insurance	1,000	710	1,150	685	465
Loan Repayments	5,464	5,464	5,465	2,732	2,733
Maintenance & Equipment	500	495	2,500	0	2,500
		10,563		6,035	
Other Payments					
Grants & Donations	300	0	300	600	-300
Newsletter printing	400	523	400	0	400
Projects & CAT	1,000	1,200	2,500	0	2,500
Big Event *	1,000	0	1,000	0	1,000
Neighbourhood Dev. Plan *	250	0	250	0	250
BOTHER	500	0	500	0	500
Vat recoverable amount^					
^see Receipts £3,051.96		1,723		600	
* includes Projects, Bother & (CAT)					
Total Budget £4,250					

Total Payments	24,500	18,289	25,000	8,757	16,243
Vat to date 2022 2023 A/cs 1 & 2				498	

RFO 27th July 2022

E Public Works Loan Board - Loan Statement 27th July 2022

Date 27th July 2022

Botus Fleming PC Current Year 2022/2023

Period 4

Loan Payments statement
for Cashbook - Current A/c 1

Bank Statement Account Name(s)	Statement Date	Loan advance	Payments	Balance to pay
	27/07/2022		Principal & Interest	
Current Account - Lloyds A/c 1	24/06/2020			
PWLB Loan advance 24/06/2020*		70,000.00		
Direct Debit payment - 24/12/2020			2,732.22	67,267.78
Interest 2019/2020			735.00	68,002.78
Direct Debit payment - 24/06/2021			2,732.22	65,270.56
Interest 2020/2021			714.03	65,984.59
Direct Debit payment - 24/12/2021			2,732.22	63,252.37
Interest 2020/2021			692.84	63,945.21
Direct Debit payment - 24/06/2022			2,732.22	61,212.99
Interest 2021/2022			671.42	61,884.41
Total Loan amount outstanding				61,884.41

1004 Planning

New Planning Applications – None received

Application link <http://planning.cornwall.gov.uk/online-applications>

Planning Application Decisions – Two received

Reference: PA22 / 03810
Address: Trengilly Road from Orchard Villas to Churchtown Botus Fleming
Proposal: Proposed first floor extension above garage
Applicant: Mr Stuart Walsh
Grid ref: 240202 / 61357

Approved with conditions 16th June 2022

Reference: PA22 / 03651
Address: Trederow Farm, road from Orchard Villas to Churchtown Botus Fleming
Proposal: Conversion of milking parlour to single residential dwelling
Applicant: Mr Philip Hygate
Grid ref: 240287 / 61645

Approved with conditions 1st July 2022

Planning Application – For information – One received

5 Day Planning Protocol actioned by Planning Development Officer 24th June 2022

Application PA22 / 03240
Proposal Agricultural building
Location Ziggerson Hill Farm road from junction South of West Kingsmill
to Cherry Cottage Botus Fleming Cornwall
Applicant Mrs Marion Holmes MM & MW Holmes
Grid Ref 240942 / 61939

Councillors responded to the following options set:

1. Agree with my recommendation
2. Agree to disagree
3. Having made strong planning reasons to maintain your original position on the proposal against my recommendation, it is requested that the application is determined by the Planning Committee

Parish Councillors voted as follows and the response was sent to Planning 29th June 2022

Option 1 – 1 vote

Option 2 – 0 votes

Option 3 – 6 votes

Abstain by one Councillor due to pecuniary interest declared.

Planning Application received after Agenda has been issued – To be advised

1005 Neighbourhood Development Plan – Cllr Marc Solomon

www.botusflemingandhattndp.com

1006 Parish Plan - Cllr Marc Solomon

1007 Recreation Field - Cllr Dave Edwards (Chairman)

1008 Councillor Reports (Reports A to C previously circulated)

A Asset Audit - Cllr Sally White

B Climate & Ecological emergency - Cllr Malcolm Fletcher

C BOTHER - Cllr Mervyn Ellis

D Playground equipment fund - Cllr Dave Edwards (Chairman)

E Big Event / Platinum Jubilee Event – Cllr Dave Edwards (Chairman)

F Defibrillator - Cllr Malcolm Fletcher

G First Aid Kits (CAT) - Cllr Malcolm Fletcher

H Planning issues - Cllr Malcolm Fletcher

I Council statement - Cllr Malcolm Fletcher

1009 Clerk's items

(i) Appointment to Cornwall Council Standards Committee Notice.

(ii) Governance – Policies & Procedures review

(iii) Persistent & Vexatious Complaints Policy – revised Policy for adoption (author Cllr Dave Edwards (Chairman))

1010 Correspondence

1010 (i)

Sir,

On entering Hatt from the A388 there is only one 20mph speed limit sign, therefore this speed limit is unenforceable also when leaving Hatt the 30mph limit is negated. There should be signs either side of the road.

Also the speed cushions at this point should have double yellow lines on both sides of the road to stop parking on or near the cushions.

I have reported this to Cornwall council on two occasions and requested a Highways engineer to telephone me, I have had no response.

I am not a resident but frequent Hatt regularly

Regards
Roger Grace

1010 (ii)

Villaton Farmhouse,
Hatt,
Saltash
PL12 6PP

Dear Mr Cook / Botus Fleming Parish Council

Re: Container storage

I am writing on behalf of the Big Event Team.

As you are aware the Big Event Team store most of their equipment in the container (kindly purchased by the Parish Council) which is situated at the rear of the Botus Fleming Church Hall.

The equipment consists of marquees, tables, chairs, wooden games, Xmas decorating items, large wooden flags, boxes of wooden poppies, and many other ancillary items that are used at the various events which are arranged by the Big Event Team.

The majority of these items are required either in the playing field or in the nearby vicinity (roundabout).

When we hold one of our events there is a tremendous amount of toing and froing in team members personal vehicles - either from the container to the field before the event or field to container after the event. This takes a considerable amount of time and energy and is wear and tear on the vehicles being used along with the cost of fuel.

The Big Event would like to request that the container be moved to the Hatt Recreation Field. It would then be easily accessible for the set-up of the Big Event and would save considerable time. It would also be easily accessible for the equipment used to decorate the roundabout.

We are aware that there has been some discussion of Saltash United having their own storage container on Hatt Recreation Field and a location could be identified which would suit both containers.

As the Big Event are the sole users of the containers contents then we propose that the Big Event funds are used to cover the cost of the container move.

Also, if we could use a local contractor to lay a concrete pad on which the container could be sited, I again propose that Big Event funds are used to cover the cost.

It will be some time before we have a community hall on the Recreation Field so in the meantime we will continue to run our events in temporary structures on the field and require container storage for all the equipment.

Should the parish successfully raise funds and achieve the dream of having a community hall on the field the container would still be useful for storing bulky items not required for use in the community building.

For your consideration

Yours sincerely

Sarah Edwards

1010 (iii)

Dear Chris, it was good to see you at the Big Event a few weeks ago.

Could you please raise a question to the members of the PC for me at the next meeting on the 27th July. Would they consider looking into the possibility of getting a permanent power supply installed at Hatt Recreation field?

On the whole I think the Big Event has been a great success, both this year and in previous years. However, one problem we always have is the unreliability of using loaned or borrowed generators. I do realise that having power installed for a one day event, once a year is a big ask, but there has been talk of a community centre, lighting and security cameras. I believe that having the power supply now would be a step towards the future for the field.

I am currently researching prices and the feasibility for this project with Southern Power, so that I can provide more information to help with the discussion process, but I would appreciate if the members of the PC would consider this proposal.

Thanks Chris

Kind Regards

Richard Taylor

1010 (iv)

Good Morning Chris,

On behalf of St Mary's Church would you please convey our thanks to all the members of the Parish Council for their generous donation towards the Church Hall.

Ray did tell me. but I thought I would wait until I had the bank statement, then I could thank them officially.

Kind regards to everyone, and again many thanks

Best wishes
Gill

1010 (v) Code of Conduct decision from Simon Mansell (Group Manager Assurance & Monitoring Officer Cornwall Council)

ASSESSMENT DECISION NOTICE

NO BREACH OF THE CODE

Reference:	CCN025/22/23
Complainant:	Mr T Aughey
Subject Member:	Councillor D Edwards, Botus Fleming Parish Council
Person conducting the Assessment:	Simon Mansell, Group Manager - Assurance

Date of Assessment: 30 June 2022

Complaint

The Complainant has set out that the Subject Member has acted in a bullying and disrespectful manner towards him, and has failed to remain impartial when acting as Chairman of the Parish Council.

Decision

That, for the reasons set out in this Notice, the Subject Member has not breached the Code of Conduct and no further action needs to be taken.

Reasons for the Decision

In undertaking this assessment, I have had regard to the following;

- The complaint as made;
- The response from the Subject Member; and
- The views of the Independent Person.

In undertaking this assessment, it is noted that the Complainant is of the view that, as the Subject Member is a member of the Standards Committee, and therefore there is a 'professional relationship' created with the Subject Member and officers of the Council, this matter should have been passed outside of the Council for assessment.

As the Independent Person has noted, there is no conflict of interest and no legitimate reason to transfer investigation of this complaint outside the current Cornwall Council investigation procedures.

Being involved with members due to involvement in a Committee or other body does not create an interest, there has to be something more which would create close association for an interest to exist. As a result, it is not considered that an interest exists.

Application of the Code of Conduct

In considering the complaint as made, I am satisfied that the Subject Member was acting in their official capacity at the time of the alleged conduct and therefore was bound by the Code of Conduct.

As with all ethical standards complaints, this is assessed against the Code of Conduct adopted by the Council and the procedures for assessing complaints adopted by Cornwall Council.

The information provided is assessed on the balance of probabilities; this is, would a reasonable person objectively considering of all the facts be of the view it is more likely than not that the actions of the Subject Member amount to a breach of the Code of Conduct.

The Complaint

The Complaint is extensive and covers a range of matters which include the conduct of the Subject Member.

The following are not considered as part of this complaints process:

- Previous complaints made under this process or to the Parish Council as matters over 6 months old are outside the scope for this process, though some of the commentary has been considered as it is relevant to the current complaint;
- Allegations of wrong-doing by the Clerk, which includes the publication of papers, are a Parish Council/employment matter and not within the scope of this process; and

- If the Complainant is unhappy with items placed on the Parish Council's web site and Facebook Page, this is a matter for the Parish Council and not within the scope of this process.

This complaint will consider if, by his actions or words, the Subject Member has acted in a way towards the Complainant which can be classed as disrespectful and bullying or has failed to act in an impartial manner.

In considering the remaining points put forward by the Complainant, these relate to his not being allowed to speak at the meeting and being interrupted by the Subject Member.

Within this the Complainant seeks to challenge the Council on the way it undertakes matters. At one point the Complainant makes it clear he intends to speak for as long as is necessary, and the Subject Member is said to respond to this by saying, 'we had hours of this last year', with this one example of how the Complainant considers that the Subject Member attacked his integrity.

The Response from the Subject Member

The Subject Member has responded to the complaint to say that he has never sought to suppress the Complainant, but he considers that the Complainant seeks to monopolise meetings and displays animosity to him and the Clerk. Due to the way the Complainant will not allow others to talk, and repeating himself, acting as the Chairman of meetings is difficult.

The response covers all of the points raised by the Complainant, but principally the Subject Member has said if he interrupts the Complainant, it is not that he is being disrespectful, but it is often to give other parties the opportunity to input to the discussion.

In closing the Subject Member has set out that:

'I respectfully submit this response in the honest belief that I have convincingly proved that the complainant's accusations are without any foundation, and in the hope that my fellow Parish Councillors, the Parish Clerk and I will be protected against further baseless, injurious and highly stressful allegations that undermine our honest attempts to serve our community.'

Councils Standing Orders

Standing Orders for the Council set out with regards to public speaking the following:

At 2(a) – (c) allows the Chairman of the meeting to deal with conduct at a meeting which is improper, up to the suspending the meeting;

3(e) does allow representations to be made on items on the agenda, but the duration of this shall not exceed 3 minutes, unless directed by the Chairman

Knowles on Local Authority Meetings

With regards to the power of the Chair, Knowles on Local Authority Meetings sets out that the power of the person Chairing the meeting is generally not found in statute, the power is drawn from the meeting. However, Knowles is clear in that the Chair, other than by a motion to remove him, has virtually absolute rule over a meeting.

Providing the Chair acts in good faith, a decision of the Chair, even if not strictly correct, would be upheld by the court, though if someone wishes to challenge a decision this can only be done through the courts.

Findings

In considering this matter, both the Complainant and the Subject Member have provided large amounts of information. I accept that the Complainant's view of the Subject Member, and more largely the Parish Council, is that procedures are not being followed as he would expect, though this does not mean that the Council is not conducting its business correctly.

In particular, the Complainant has set out that he considers that the Subject Member has exceeded his authority as Chairman at meetings by not being impartial, and within this the Complainant is of the opinion that, by his words and actions at meetings, the Subject Member has failed to treat him with respect.

As there is a requirement when considering Code of Conduct complaints to consider all the facts objectively, the starting point for this is the power of the Chairman at meetings.

Whilst there is a right for members of the public to attend meetings, there is no automatic right for them to speak, and when it is allowed this is within parameters which are often set out by standing orders, though it often falls to the Chair on how to interpret these.

As a result, and having considered the points raised by the Complainant, I do not consider that by seeking to restrict his right to speak the Subject Member was breaching the Code of Conduct. As it stands, the Subject Member did not seek to suspend the meeting (which he could have done if a member of the public was interrupting) but, mindful of other members of the public present, and based on the submissions from both the Complainant and the Subject Member, only sought to curtail the ability for the Complainant to raise matters which it is apparent have been raised before or were, in the opinion of the Chair, not suitable for discussion at the meeting.

Considering this point further, public speaking also cannot be used as a member of the public may wish, or the Complainant may have assumed. Some councils adopt a strict stance in that public speaking is limited to matters on the agenda. However the Chair can limit the public ability to speak, and considering the powers of the Chair as found in Knowles, this would include the Subject Member having the right to restrict the Complainant from speaking at any point.

This right would not, however, extend to terminology which was considered to be disrespectful or abusive.

In terms of the comments by the Subject Member at Council, both the Subject Member and the Complainant are generally in agreement about what is said and when, there is a discrepancy over the frequency of the requests to speak by the Complainant and the precise words used, but otherwise it is clear that the Complainant has sought to raise matters with the Parish Council he considers are of relevance and relate to previous complaints. However, these were also quite old, some going back over several years.

There is, for example, a disagreement as to whether the word in a statement was hour, or hours, but in adopting the stance of a reasonable person and accepting the frustration the Subject Member was experiencing in dealing with the Complainant, I do not consider that by saying that 'we've had hours of this last year', which is the worst case, to be a breach of the Code and I do not consider other comments by the Subject Member to be a breach of the Code.

In reaching this decision I consider a reasonable person would seek to ensure that there was balance struck between the right of all of the public at a meeting to speak, and the right for the Chairman to control the meeting in a manner in which he considers to be appropriate.

This will always, at times, seem to be unfair by members of the public and often the terminology used by the Chair can be deemed as unwarranted and unduly personal, but this does not mean it is automatically a breach of the Code of Conduct.

Views of the Independent Person

The Independent Person's view is that there is no impropriety as alleged by the Complainant within the information submitted in his complaint that would expose the Council at risk of placing Councillors in breach of the Code of Conduct for lack of openness, or within principles of Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

The Independent Person noted the ongoing persistent obsessive, bullying intimidating and harassing behaviour over a long period by Dr Aughty towards the Botus Parish Council.

The Independent Person has formed a view having relied upon the details of the complaint provided by the Corporate Governance Officer, information provided by the Complainant and in the response by the Subject Member.

The Independent Person's view is that, whilst the Complainant included a transcript of what he believed to be examples of Cllr Edwards' behaviour, Cllr Edwards submitted the Full Transcript of the Annual General Meeting of the Botus Fleming Parish Council' which supports the Independent Person's view that the Subject Member has not breached the Code of Conduct.

The Independent Person noted Cllr Edwards' submission of a 21-page report which was read and taken into consideration in its entirety by the Independent Person in forming the view that Cllr David Edwards has not breached the Code of Conduct.

Having considered all the information provided by the Complainant and the Subject Member, the Independent Person's view is that Cllr Edwards has not breached any part of the Code of Conduct.

Summary and Actions

It is clear that the Complainant is dissatisfied with the way the Council overall undertakes its business, and this dissatisfaction goes back over several years and has resulted in numerous exchanges between the Complainant and the Subject Member/Council.

However frustrating this may be for the Complainant, this does not give him any additional rights as a member of the public to speak at a meeting of the Council, neither does this remove the Chair's powers to regulate the meeting as he sees fit.

There has to be, in considering if the Code has been breached, an objective balance struck which would be the view of the independent observer considering all of the facts.

I do accept that the Complainant may be dissatisfied with the actions of the Subject Member, but in adopting the objective standpoint this has to be from the point of view of the person seeking to Chair a meeting and would they, when considering the facts of the matter, be of the view the Subject Member was wrong to act as he did.

As a result, I am of the view that in this case, the objective consideration of the facts is that there has been no breach of the Code and no further actions are required.

What happens now?

This decision notice is sent to the Complainant, the member against whom the allegation has been made and to the Clerk to Botus Fleming Parish Council and published on the Council's web site.

Right of review

At the written request of the Complainant, the Monitoring Officer can review and, if the review is successful, this may result in a change to the finding made in the original assessment.

We must receive a written request from the Complainant to review this decision within 14 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed. The grounds for requesting a review must be substantive, a re-submission of the original complaint will not be classed as substantive and neither will a request that sets out the findings are disagreed with, there must be fresh information in the request which was not considered at assessment which is so substantive this may result in a different outcome.

If we receive a request for a review, we will write to all the parties mentioned above, notifying them of the request to review the decision.

Additional help

If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

We can also help if English is not your first language.

1011 Date of next meeting.

The next Meeting of the Council will be the **Public Meeting** on Wednesday 24th August 2022 at 7.30pm at the St.Mary's Church Hall (covid safe).

1012 End of meeting