



**Notice of the Sub Committee 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: Monday 8<sup>th</sup> August 2022

Time: 8.00pm

Location: St. Mary's Church Hall, Botus Fleming.

**To: Chairman & Sub Committee Councillors**

Chairman (Sub Committee) To Be Appointed

**For information to the Chairman & all other Parish Councillors**

Chairman D Edwards

D Willey, M Ellis, M Fletcher, M Solomon, J Oakes, J Robinson and S White.

You are hereby summoned to attend the above meeting to consider the items of business.  
This is a Meeting of the Sub Committee of the Parish Council.

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

Christopher Cook  
Clerk to the Council  
1<sup>st</sup> August 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 & RFO**

**24 Rashleigh Avenue - Saltash - Cornwall - PL12 4NS**

**Tel. 07523 005414**

**clerk@botusfleming.org.uk**

**8.00pm – Item 50 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.

\* 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))

## Agenda | 8 August 2022

### **49/2022SC Chair's Welcome & Announcements**

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

### **50 Public participation**

### **51 To receive Apologies for Absence and approve the reasons given. (LGA 1972 s85(1))**

### **52 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.

### **53 To approve and sign as a correct record the Minutes of the previous Sub Committee Meeting of the Parish Council held 24<sup>th</sup> June 2020. (LGA 1972 sch.12.para 41(1)) (Sub Committee Meeting of the Parish Council 23<sup>rd</sup> September 2020 cancelled)**

### **54 Matters arising from the Minutes for report purposes only**

### **55 Correspondence**



Cllr Edwards  
Botus Fleming Parish Council

24th July 2022

Dear Cllr Edwards,

In September 2020 I submitted a complaint to BFPC. This complaint was not processed by BFPC but simply dismissed out of hand. The Vice Chair was subsequently found by the Monitoring Officer(MO) to be in breach of the Code of Conduct by failing to implement the BFPC Complaints Procedure and by making untrue claims that the MO and Cornwall Association of Local Councils (CALC) had supported all of BFPCs actions. He was found to have behaved disrespectfully towards me and to have brought the Council into disrepute. However, my original complaint remains unanswered.

I had been happy to let the matter rest in the expectation that the experience would have a chastening effect on BFPC and that it would take steps to improve its governance. In this regard I have been proven to be wrong. I am therefore formally requesting that BFPC return to the [original complaint](#) and process it as required by their adopted in-house procedure. I am also listing below further recent facts that support my complaint and these should be read along with the long list of facts submitted with the original complaint. My complaint remains that BFPC demonstrates systemic disregard for normal governance to the extent that it has made unlawful decisions and actions that are vulnerable to legal challenge, placing itself at risk of considerable financial losses. To this I would add the concern that, by acting without proper openness and transparency and by failing to implement its Complaints Procedure, it is avoiding its duty of accountability.

BFPC has referred more than once to the endorsement of its actions by CALC. I would welcome the involvement of CALC in the resolution of this complaint, not least because, by its actions, it is clear that BFPC is not fully aware of the statutory legislative framework that determines how it should function.

Yours sincerely



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## 1. Standing Order 08 a. ( A resolution shall not be reversed within six months....)

- 1.1. In January 2022 BFPC resolved its position on planning application [PA21/10831](#). BFPC voted unanimously to support the application, with the condition that the Tamar Valley AONB submitted their comments, on 27 January 2022. This condition was met.
- 1.2. On 22nd March 2022 BFPC's Clerk submitted a further response to the planners stating: "Botus Fleming Parish Council (BFPC) has spent a considerable amount of time considering this application. .... do not support the application in its current form."
- 1.3. This reversal was in clear breach of SO 08 a. Also, the "considerable amount of time considering this application" was not spent during a public meeting of BFPC. As the only lawful decisions of any PC are those made in properly constituted public meetings, with clear notice of the business to be conducted, BFPC's actions in reversing its decision are unlawful as well as being a breach of SO 08 a.
- 1.4. It is the duty of the Clerk to ensure that legal, statutory and other provisions governing or affecting the running of the Council are observed.<sup>1</sup>
- 1.5. The BFPC Employee Disciplinary Procedure states that "Failure to follow an agreed council Procedure" would normally lead to disciplinary action.

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## 2. Resolving to note.

- 2.1. At the APM I commented on the tiny number of strategic resolutions made by BFPC during the previous year and queried, in the absence of such resolutions, how BFPC could claim any credit for the items included in the Chair's Annual Report. The Clerk volunteered the information that BFPC established its position by resolving to note various reports. The purpose of Public meetings is described clearly in the Good Councillors Guide: "Council meetings and committee meetings are formal events, not social occasions. They have a clear purpose – to make decisions – and are not just talking shops."
- 2.2. Decisions can only be made through the provisions of SO 10, and require formal, advertised motions leading to a debate and a vote. Motions not requiring advance notice are covered by SO 11. "Resolutions to note" are not covered by SO 11. Moreover, noting the content of a report does not imply agreement, acceptance, approval or ownership of the report. Neither does it imply a decision to act on its contents. It is therefore meaningless, and all the more so because there is no indication that any motions to note were proposed, seconded or voted on suggesting that "resolved to note" is simply a default statement to close the minute on that subject. This is supported by the inclusion in the June draft minutes of the entry: "991 B Cllr Malcolm Fletcher – Climate and Ecological Emergency. No report. Councillors Resolved to note this report."

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<sup>1</sup> Parish Clerk's Job Description

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### 3. Budget

- 3.1. When asked about BFPC's three year forecast the Clerk responded that there was none and that budget forecasting is best done by taking the previous year's budget and adding 2%. This is totally at odds with BFPC's [Financial Regulations](#):
- 3.2. BFPC Financial Regulations state "3.3. The council shall consider annual budget proposals in relation to the council's 3 year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly."
- 3.3. The BFPC Employee Disciplinary Procedure states that "Failure to follow an agreed council Procedure" would normally lead to disciplinary action.
- 3.4. The Clerk claimed that all actions had been scrutinised and approved during the internal audit. This is misleading. The Internal Auditor will examine the accounts, and bank statements etc. and must be satisfied that suitable arrangements are in place to ensure that proper governance is applied. ([Basic level review procedures](#)) BFPC have robust policies to ensure proper governance but there is clear evidence that it does not comply with its Financial Regulations, Standing Orders, Complaints Procedure, Engagement Strategy or even its adopted Parish Plan. It is the duty of the Chair to declare that these policies have been adhered to when he submits the AGAR. Given the divergence from proper practice the AGAR statement that "Has only done what it has the legal power to do and has complied with Proper Practices in doing so" does not reflect the facts.
- 3.5. In October 2021 I wrote to BFPC stating my concerns about the budget setting process, in particular the basing of the budget on the previous year's budget and the fact that the previous year's included a non-recurring sum of £3000 to cover election expenses. The lack of formal notice of the intention to set the budget was also raised (SO 10.a). BFPC discussed my letter in the December 2021 meeting and the Clerk was instructed to reply. No reply has been received.
- 3.6. The BFPC Employee Disciplinary Procedure states that "Refusal to carry out reasonable requests or instructions" would normally lead to disciplinary action".
- 3.7. The draft minutes of the June 2022 Public Meeting show that BFPC amended the budget for Grants and Donations from £300 to £750.
- 3.8. Increasing the Annual Budget from £25,000 to £25,450 places BFPC in a higher classification, requiring a higher degree of external assurance (audit) with the associated costs. This highly irregular decision could prove very costly to BFPC. This information was not disclosed during the Public Meeting.

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#### 4. Untrue claim

- 4.1. The Clerk claimed that the Minutes of the 2021 APM had been posted on the BFPC website soon after the meeting in April 2021. He described the location on the website where the document had been posted.
- 4.2. I, and others, can bear witness to the fact that this field had remained unpopulated until the weeks before the 2022 APM.
- 4.3. Examination of the PDF file containing these minutes, obtained from BFPC website, shows that it was created on 31.03.2022.
- 4.4. BFPC website assigns a unique number to each document loaded onto the site and these numbers are sequential. The number assigned to the file containing the 2021 APM minutes is 1238. Files with numbers preceding, and thus uploaded before the minutes, were also created in March 2022.
- 4.5. Furthermore, the BFPC website assigns a URL to each document uploaded in the form <https://www.botusfleming.org.uk/data/uploads/1238.pdf>. It does this even if the document is not published in a publicly accessible location on the site. It is therefore possible for anyone to access any document that has been uploaded. The Notice and Agenda for the 2021 APM, dated 6 April 2021, was assigned the number [1099](#). The Agenda for the May meeting of BFPC was dated 10 May 2021 and assigned the number [1110](#). Examination of all the documents numbered 1100 to 1110 shows that these represent documents relating to other BFPC business uploaded in the 5 weeks following the 2021 APM. None contain a record of Minutes of the 2021 APM. There are also no unfilled numbers showing that no documents have been deleted.
- 4.6. The Clerk's claim that the minutes were available from the weeks following the 2021 APM is demonstrably untrue.
- 4.7. The BFPC Employee Disciplinary Procedure states that, "Theft, fraud, deliberate falsification of records, or other acts of dishonesty" would be regarded as gross misconduct.



**Saturday, 30 July 2022 at 14:05**

Dear Councillors

Thank you for your response. I am surprised that BFPC resolved its position during the July Public Meeting as my letter was sent after the agenda was published so no statutory notice was given that it would be discussed. Had I known I would have attended the meeting. This, and the fact that you are not prepared to reopen my original (and only) complaint against BFPC, reinforces my claim about poor governance and lack of accountability. Your reasoning that responsibility lies with the "last Parish Council" is seriously flawed. The council is a corporate body, a legal entity separate from that of its members. It has been continuous since its inception irrespective of changes in membership.

With regards to CALC I would draw your attention to the words of Sarah Mason in the Local Government Ethical Standards report: "One of the things we do in the CALC is provide an advisory service and someone to investigate what's gone on and someone to go along and listen to grievances." I will copy Sarah Mason into this correspondence and ask her to comment on the appropriateness of her involvement.

The complaints of poor governance and accountability in my letter were supported by facts. These facts were not presented as individual complaints. You have elected to treat some of these facts as complaints and responded with comments, although, yet again, you have not implemented your Complaints Procedure. You point out the discrepancy between my references to Standing Orders and the actual numbering. I am afraid that I was referring to the previous version (2018) of the SOs. As the SOs on your website still contain "2018" in their title I had assumed they were unchanged. The content is almost identical but the numbers have changed. Sorry for the inconvenience caused and thank you for directing people to the correct orders. But I do have to take issue with the comments that you made.

PA21/12138. The lawfully resolved decision of BFPC is that it supports the application on condition that AONB submits a report and that the application is amended with regard to trees and cars. This reflects the discussion at the January Public Meeting. The minutes show that the scale of the development was discussed but did not influence the decision. The subsequent submission reverses this decision citing issues not discussed at the January meeting. This is a clear breach of SO 7a. and was a decision taken outside a Public Meeting. Your appended letters make the case for this. I am neither confused nor mistaken. You have also projected that I was "very keen" and "extremely keen" to make comments. I can assure you that the only thing I am keen about is that BFPC conducts its business according to the law and its internal regulations so I have no further need to write to you.

Resolving to Note. I note that no defence or explanation is offered.

Budget. Again, this is regarded as a complaint but is dismissed without evidence. "BFPC are satisfied with the actions of the Parish Clerk and Responsible Financial Officer and with regards to the management of the Parish Council's budget and financial affairs." Up until now I have held the view that BFPC's failings resulted from an excess of enthusiasm to get things done set against a poor knowledge of the legislative framework relating to PC governance. This response sadly shows that BFPC is wilfully condoning and engaging in actions that are in breach of its own regulations.

Untrue Claim. You have provided robust and incontrovertible evidence that the May AGM minutes were posted soon after that meeting. This was never in contention. If you carry out the same search for documents uploaded following the Annual Parish Meeting in April 2021, the ones the Clerk claimed had been available since the week following that meeting, it will reveal that no minutes were posted. I stand by my assertion that the Clerk's claim that these minutes were posted following that APM are untrue.

I am sending this response to all councillors and would encourage each to take a moment to consider BFPC's response to my letter and the observations made in this reply. It is entirely reasonable for residents to expect high standards from their elected representatives and for Councillors to be accountable to their electors when things go wrong. BFPC have persistently made errors in their governance but have not been responsive to concerns expressed by me and others. The entrenched, hostile, defensive stance adopted by the PC along with its aggressive name calling, personal attacks and threats of cancelling objectors' voices shows the PC in a poor light. Good organisations regard complaints as opportunities to learn, a view that I impressed on every area of medical practice that I was involved in. However, your response is dismissive and scornful in its tone and is little more than a personal attack on me. In content it contains inaccuracies, misdirections and is selective in the issues it addresses. Is this really who you are? I believe that Councillors should be embarrassed by the tone and content of your letter. I would again encourage you, either collectively or individually, to seek the guidance of CALC to obtain some objective perspective.

I don't bear grudges. I would be happy to help BFPC turn its performance around. But, if the PC fails to make the necessary improvements, I will not stand by and watch.

Yours sincerely

## 56 Review of Correspondence

Response sent to complainant 28<sup>th</sup> July 2022 (redacted version)  
See website [www.botusfleming.org.uk](http://www.botusfleming.org.uk)

28<sup>th</sup> July 2022

Dear XX XXXXX

Thank you for your latest report and complaints.

Botus Fleming Parish Council notes that you have yet again informed us of the breach of the Code of Conduct by our current Vice Chair.

BFPC notes that you state in your latest complaint (24<sup>th</sup> July 2022) that *"I had been happy to let the matter rest in the expectation that the experience would have a chastening effect on BFPC and that it would take steps to improve its governance. In this regard I have been proven to be wrong. I am therefore formally requesting that BFPC return to the original complaint and process it as required by their adopted in-house procedure"*.

BFPC does not intend going back your "original" complaint and processing your complaint from September 2020. We accept that your complaint may not have been correctly processed at the time, but this was during the last Parish Council and this matter is now seen as closed.



Lastly, Cornwall Association of Local Councils (CALC) does not deal with complaints.

Should you require confirmation or any other queries with CALC, please contact them on [enquiries@cornwallalc.org.uk](mailto:enquiries@cornwallalc.org.uk).

**1. Standing Order 08 a. (A resolution shall not be reversed within six months....)**

The complainant appears confused and/or mistaken with regards to this allegation.

He quotes planning application **PA21/10831**. This refers to a single storey rear extension in Sunnybanks, Hatt, quite unaffected by the Area of Outstanding Beauty and that the Parish Council unanimously supported.

However, after much research, we think that the complainant actually means **PA21/12138**, an application for a 34Kw ground mounted PV solar array for domestic use at Pineapple Farm, Moditonham. Obviously this application was slightly more complicated than the complainant's stated **PA21/10831** a single storey rear extension in Sunnybanks and required more work and detail by the Parish Council.

On Wednesday 26<sup>th</sup> January 2022 the minutes from the Parish Council public meeting reflect the following – *“Cllr Willey (Vice Chairman) questioned whether the number of panels exceeded the domestic use criteria. Cllrs Solomon & Oakes agreed that number of panels were correct and were of the type that travelled to capture the sun's rays. Margaret Matthews (resident) questioned whether the panels should be situated on the outbuildings in situ, and whether there was any visual impact, which the (AONB) association should comment on. Cllr Fletcher agreed that the Council could only support the application subject to receiving a report from the (AONB). Cllr Fletcher considered that the Planning application had been well presented with reference made to the National Planning Policy framework. Sections 9 and 10 of the application required amending in respect to vehicle parking and surrounding trees and hedges, as the responses should have been ‘Yes’ and not ‘No’. Section 9 of the application form asks if there are any existing vehicle/cycle parking places. Applicant has answered “No”, whereas there are in fact spaces visible from the lane. Proposed Cllr Dave Edwards (Chairman), seconded Cllr Fletcher”*.

Unfortunately the complainant's confusion and/or mistake then invariably led to him making a further series of unfounded accusations.

The complainant's confusion and/or mistake as to why Botus Fleming Parish Council's response to planners that they (BFPC) had spent a *“considerable amount of time considering this application”* is reflected by the two (2) responses, one (1) lengthy and a 5 Day Protocol response to Cornwall Council Planners. They are in an appendix at the end of this report.

The Parish Council obviously extensively researched the subject matter and then openly deliberated during the public meeting. We are confident that we would have been accused of not performing as an effective council had we not been as diligent. The complainant clearly intimated some pre-determination or impropriety without any grounds and was completely wrong. No apologies are necessary.

The complainant was also very keen to point out that the Parish Council had breached **Standing Order 8 a**.

Unfortunately the complainant is confused and/or mistaken again as **Standing Order 8 a** refers to *Voting on Appointments*.

**Standing Order 7 a** refers to *Previous Resolutions* and states “A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least ( ) councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee”.

The complainant was also extremely keen to point out that the Parish Clerk had failed “to ensure that legal, statutory and other provisions governing or affecting the running of the Council are observed” and that the “BFPC Employee Disciplinary Procedure states that “Failure to follow an agreed council Procedure” would normally lead to disciplinary action”.

BFPC hopes that the complainant can now see that there was never a breach of Standing Orders and that the Parish Clerk had not failed to follow procedure. The complainant clearly intimated some impropriety without any grounds whatsoever and was completely wrong.

No apologies are necessary.

## 2. Resolving to note.

BFPC note your observations and interpretations of **Standing Orders**.

For your information **Standing Order 9 a to h** deals with *Motions for a meeting that require written notice to be given to the proper officer* and not **Standing Order 10**.

The complainant states that *Motions not requiring advance notice are covered by SO 11*.

That is also incorrect. **Standing Order 10 a i to xvii** deal with *Motions at a meeting that do not require written notice* and **Standing Order 11 a to d** deals with *Management of Information*.

To avoid any further confusion and/or mistakes please see -

<https://www.botusfleming.org.uk/data/uploads/1132.pdf>

## 3. Budget

Botus Fleming Parish Council notes the complainant’s latest allegations.

BFPC are satisfied with the actions of the Parish Clerk and Responsible Financial Officer and with regards to the management of the Parish Council’s budget and financial affairs.

BFPC will not be considering this complaint any further.

#### 4. Untrue claim

Botus Fleming Parish Council notes your complaint.

Below is a list of Botus Fleming Parish Council's website uploads in May 2021.

The list was kindly prepared and given to BFPC from information held on the website's server by Mr Barry Issacs from Western Web Limited, that host BFPC's website.

Botus Fleming Parish Council

Date of document uploads.

28 April 2021	Notice of the Public Meeting of the Parish Council 28th April 2021 7.30pm
3 May 2021	Minutes of PUBLIC MEETING OF THE PARISH COUNCIL 28th April 2021
8 May 2021	Financial documents and audit report (7 documents)
9 May 2021	Notice of the Annual Meeting of the Parish Council 17th May 2021 7.30pm
10 May 2021	Notice of the Annual Meeting of the Parish Council 17th May 2021 7.30pm (amended)
11 May 2021	Register of Interests
12 May 2021	Notice of the Meeting of the Parish Council 23 <sup>rd</sup> June 2021 7.30pm
18 May 2021	Notice of the Public Meeting of the Parish Council 28th July 2021 7.30pm
19 May 2021	Annual Governance Statement
19 May 2021	Accounting Statement
21 May 2021	Governance Policies and Procedures
21 May 2021	Information available from Botus Fleming Parish Council
25 May 2021	<u>Minutes of the Annual Meeting of the Parish Council 17<sup>th</sup> May 2021</u>
31 May 2021	Notice of Public Rights

You will notice that one of the entries on the attached document is underlined.

This entry entitled "Minutes of the Annual Meeting of the Parish Council 17<sup>th</sup> May 2021" was uploaded by the Parish Clerk onto the Parish Council's website on 25<sup>th</sup> May 2021.

BFPC consider that this is *prima facie* evidence that the Parish Clerk posted the document in question on 25<sup>th</sup> May 2021.

BFPC do not intend to commission a trawl of a 12 month period of the website's server in order to establish whether the document **may** have been edited at some stage and then been reposted onto the website at a later date.

In this case as in others, the allegations made against the Parish Clerk are excessive and exaggerated. The complainant's stance is that he has "proved" the case against the Parish Clerk and it then follows that he is guilty of discipline offences, which could be regarded as gross misconduct in that he is guilty of "deliberate falsification of records, or other acts of dishonesty".

We have investigated this complaint and we believe that any further action would not be proportionate to the spurious allegations made by the complainant.

We now consider the matter to be closed.

## CONCLUSION

This complaint and the continuing pattern of excessive and exaggerated allegations follow close on the heels of the complainant's last series of allegations.

On 30<sup>th</sup> May 2022, Cornwall Council's Monitoring Officer informed our Chair, Cllr Edwards, that the complainant had accused Cllr Edwards of a breach of the Code of Conduct.

The series of allegations made were:

- Failed to treat others with respect
- Unlawfully discriminated
- Bullying
- Intimidated or attempted to intimidate others
- Bringing their office or council into disrepute

On 30<sup>th</sup> June 2022 Cornwall Council's Monitoring Officer informed our Chair, Cllr Edwards, that none of the accusations had been upheld and that there had been no breaches of the Code of Conduct and that no further action needed to be taken.

During the deliberations, the views of an Independent Person were communicated to Cornwall Council's Monitoring Officer.

***"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 XX XXXXX (sic) 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".***

Botus Fleming Parish Council believes that we have fully explained our position with regards to this latest complaint submitted on 25th July 2022, less than one calendar month that the decision was made on your last complaint, as above.

BFPC sincerely hope that we do not receive any further correspondence on this subject or any further allegations from you.

BFPC does not require any reply from you or any apologies with regards to this current serious of accusations.

BFPC would however, offer some words of advice to the complainant. The complainant has made it public, that his "lawyer" often advises him on his complaints and allegations and in one case, stated that a BFPC report to rebut unfounded allegations of criminal behaviour and gross misconduct, "was not complimentary" about the content or author. BFPC's honest and genuine assessment is that the complainant should stop taking such advice and more importantly stop on this path of obsessive, bullying, intimidating, harassing, persistent and vexatious behaviour.

Any reply or any further correspondence from you will be considered to be contrary to BFPC's Persistent And/Or Vexatious Complaints Policy.

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

Botus Fleming Parish Council

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

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# APPENDIX

**Botus Fleming Parish Council**  
**Comment Date: Fri 11 Mar 2022**

Botus Fleming Parish Council (BFPC) has spent a considerable amount of time considering this application.

We believed it was important and requested that the consultee responsible for the Areas of Outstanding Natural Beauty (AONB) comment on the application. AONB now confirms that the application site and the views from Kingsmill Lake "will (therefore) likely be visible from the lake and there needs to be a wider set of LVIA viewpoints than those as submitted".

BFPC also note AONB's comment that "the photograph from the water's edge (viewpoint 7 in the Planning Statement) is not indicative of wider views from the lake as one approaches the site from the south/southeast and where there is greater distance from the site to the receptor whereby the view of the site is not as occluded as in viewpoint 7. There needs to be consideration of other viewpoints from the water where elevated development can have more visual impact than when assessed from land".

BFPC supports and echo AONB's statement and also note that the photographs appear to be those presented by the applicant or agent.

BFPC feel that the proposed application site is overly large.

We also support and agree with the concerns that the application appears to be of an "industrial scale" set within a domestic setting.

The applicant's agent has stated, "the generating capacity of the array (34Kw) has been determined to meet the domestic needs of Pineapple Farm going forward, including the ability to charge two electric cars. Any surplus energy produced would be exported to the grid."

BFPC are aware that approximately 6Kw is the average requirements for domestic use and that one of the largest solar PV systems available for residential use, are a 10Kw solar system suitable for larger households, home offices and charging electric vehicles.

Indeed BFPC supported an application in February 2022 for the installation of solar panels. The application was for a 6Kw system. The applicant confirmed that this system was enough to support 2 families, 5 children and charging 2 electric vehicles.

## 2

We note the applicant's agent's statement that the development is a "small scale domestic installation".

We do not agree that a 34Kw solar system, two parallel rows of panels 41.3m in length and 96 panels can be described as being "modest" or a "small scale domestic installation".

The size of the proposed solar system would obviously allow a considerable amount of spare energy to go into the grid. Any potential profits or benefits that yield an individual needs to be balanced against the size of the proposed site within the AONB.



BFPC believe that reducing the size of the site would result in a two-fold solution.

A smaller system could be placed on the existing rooftops, resulting that the viewpoints from the lake would be mitigated and minimise effects on the AONB.

BFPC announced a Climate Emergency in 2019 and strongly support renewable and low carbon energy. BFPC supports the residents of our community in efforts to minimise environmental damage and to promote endeavours to achieve a quality of life that is sustainable for present and future generations.

However, BFPC believe that it is extremely important that we do not set a precedent and allow an over-permissive attitude to planning applications with regards to solar power and AONBs.

Policy 23 of the Cornwall Local Plan (CLP) states that "proposals for a major development in the Area of Outstanding Natural Beauty will be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest as set out in national policy."

BFPC views the application is a "major development" and not a "small scale domestic installation" and that there are no "exceptional circumstances" and do not support the application in its current form.

#### **Botus Fleming Parish Council**

**Comment Date: Thu 27 Jan 2022**

Botus Fleming Parish Council SUPPORT this Application, subject to the (AONB) providing a full report, and Section 10 being altered from NO to YES in respect to surrounding trees and hedges.

Councillors voted to SUPPORT as follows-

Support 8 votes

Reject 0 votes

Abstain 0 votes

#### **Botus Fleming Parish Council**

**Comment Date: Wed 13 Apr 2022**

Thank you for your email concerning the above Planning Application and instigation of the 5 day protocol.

I confirm that the 8 Parish Councillors have voted as follows-

Option 1 - 1 vote

Option 2 - 0 votes

Option 3 - 7 votes

I should be grateful if you would simply acknowledge that you have received and noted the Parish Council response. I will copy in all Councillors for their information. Thank you, Christopher.

**57 Public Bodies (Admission to Meetings) Act 1960**

To **Resolve** that pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 the public and press leave the meeting because of the confidential nature of the business to be transacted.

**58 To consider a Persistent & Vexatious complainant's Case**

**59 Public Bodies (Admission to Meetings) Act 1960**

To **Resolve** that the public and press be re-admitted to the meeting.

**60 Date of next meeting.**

The Date of the next meeting – to be confirmed

**61 End of meeting**