



Botus Fleming Parish Council

**COMPLAINTS IN TOTAL  
FROM NOVEMBER 2018  
TO OCTOBER 2019**

Subject: Parish plan

From: [REDACTED]

Date: 16/10/2019, 12:56

To: botusfleming clerk <clerk@botusfleming.org.uk>

CC: Mervyn Ellis <mervyn.ellis@botusfleming.org.uk>, [REDACTED]

Dear Christopher

I would like to make some observations about the information contained in the draft Minutes from the September meeting.

"...the Minutes in 25<sup>th</sup> April 2018 Item 356 (b) referring to the Parish Plan merely suggested the creation of a Plan as recorded by the Clerk in 2018."

The agenda for the March 2018 meeting contained the motions presented to the PC: <http://www.botusfleming.org.uk/data/uploads/486.pdf>

"Discussion to adopt a five year Parish Plan: proposals arising out of the NDP.  
Discussion to create a parish council engagement strategy (report previously published)"

These were the motions I presented. The minutes contain a clerical error having swapped the words create and adopt. The plan was adopted by the PC and in May 2018 it was published on the PC website under Policies and Procedures. <http://www.botusfleming.org.uk/data/uploads/622.pdf>

The minutes do not contain the discussion relating to the production of an Executive Summary. It was agreed that the Executive Summary at the beginning of the Parish Plan should be renamed as Foreword and that a separate Executive summary be produced to sit alongside the PP. This document has not been published on the PC website.

"Cllrs Ellis (Chairman) & Willey proposed that the existing Parish Plan was not a finalised Plan and that any Parish Council Policy or document should be open for adaptation after a six month period."

The Parish Plan was adopted as a five year plan. All plans are iterative and should be updated as circumstances change. Indeed, the addition of the NDP as an annex to the Parish Plan is an anticipated development. I note that Councillors voted unanimously to abandon the Parish Plan in a previous meeting. This is a far cry from the adaptation mentioned.

"Cllr Edwards (Vice Chair) explained that the current draft Parish Plan was silent on a number of issues, not least, the Climate Change announcement."

The Parish Plan as written has two main objectives. Firstly to improve the governance and leadership role of the PC and secondly, to use this leadership to drive forward changes to

develop a sustainable parish for the future. The objectives detailed in the Parish Plan are a broad spread of initiatives to achieve this end but, of course, are not exhaustive. Environmental and climate issues are addressed in the plan. The declaration of a Climate Emergency is an example of the PC taking a leadership role as defined in the Plan.

"Due to a number of Councillors not having all the information to hand concerning the Agenda Item it was suggested by Cllrs Edwards (Vice Chair) & Smith that the Parish Plan be discussed further at the Public Meeting 23<sup>rd</sup> October 2019."

I do hope that Councillors have access to the adopted plan before the meeting. I also hope that they are mindful of the fact that this plan arose from the work of the NDP Steering Group over an 18 month period and is informed by the views of the residents of the Parish obtained during an extensive engagement and consultation process during that time.

Please include this email under the correspondence section of the October agenda.

Best wishes



**Subject:** Re: LATEST ISSUES OF CONCERN

**From:** [REDACTED]

**Date:** 18/09/2019, 18:50

**To:** Mervyn Ellis <mervyn.ellis@botusfleming.org.uk>

Mervyn

Thank you. I had already identified the "arsing" issue but that was not my main concern. Rather I was raising the issue of audit and accountability. While it is perfectly possible to amend minutes, there are certain regulations that need to be followed. Any material amendments can be made only after a resolution of the PC to make such amendment. This can be to the draft minutes or historical minutes. The decision should be recorded in the current minutes and the ORIGINAL document should be amended, ideally leaving the altered text in ~~striketrough~~ followed by the new text. There should also be a footnote to explain the reason and refer to the amending resolution. Typos and spelling errors can be amended without a resolution but, again, it should be the ORIGINAL document that is amended and ideally a footnote should explain. In this way the audit trail is maintained as the metadata will show the original date created plus the date amended. Bombproof. What the clerk has done is the equivalent of tearing the pages out of the minute book and sticking in new ones. Just not acceptable practice.

I hope that when you address the Parish Plan that you will be mindful of the facts that this was prepared by the NDP steering group at the request of the PC, that it reflects the findings of on-going engagement and consultation over a period of almost two years, that it was approved by the NDP steering group and was adopted by the PC. It defines a clear way forward for the parish, recognising the leadership role of the PC, community engagement, and sustainability. If councillors feel that they no longer want to pursue these aims then it would seem sensible to produce a new PP before discarding the old one.

I would never try to compare myself with Barack Obama but I do feel that there is some very Trumpian activity going on that is trying to undermine the developments that I contributed to when on the PC. I hope that you do not get drawn into any such action and will put the interests of the parishioners first.

Best wishes



## Notes for meeting with Merv

I was disappointed to see that the PC saw fit to resolve that the Parish Plan should be abandoned. I would like to challenge this decision for the following reasons:

- 1) Notice of the Agenda was not made available to the public within the Statutory specified time frame. This invalidates any resolutions made at the meeting.
- 2) Even allowing for the above the agenda contained no mention of a motion relating to the Parish Plan, a requirement under 10(a) and 10(b) of the PC Standing Orders. Also, the Plan was not referenced in the agenda - all papers relating to a motion should be published with, or linked to, the agenda.
- 3) The unapproved minutes state, "Cllr Ellis (Chair) reminded Councillors that the draft Parish Plan dated 2018 was due for review." This is simply not the case. The Parish Plan covers the period 2018-2023 and there is no stated review date before 2023. The only outstanding decision was when to publish it. As it was closely related to the NDP it was planned to publish during the final consultation phase of the NDP. I did ask for publication to be brought forward in the light of the stalled NDP but this was disregarded.
- 4) The unapproved minutes also state, "Councillors Resolved not to support adopting the draft Parish Plan." This makes no sense. The plan was adopted by the PC in April 2018 following a motion by me. This was properly stated in the agenda of the meeting:

April 2018 Agenda 56(B)

Cllr Trevor Aughey

Proposal to create a parish council engagement strategy (report previously published) Proposal to adopt a Parish Plan (report previously published)

April Minutes 56(B)

Councillors RESOLVED to adopt Cllr Aughey's proposal for a parish council engagement strategy. Proposed Cllr Aughey. Seconded Cllr Ellis. All agreed. The first action would be to publish a parish newsletter. Cllrs Edwards, Aughey and Fletcher volunteered to assist.

Councillors RESOLVED to create a sustainable Parish Plan that would comprise projects now excluded from the NDP. Proposed Cllr Aughey. Seconded Cllr Fletcher. All agreed.

So, having a second vote to adopt the plan is meaningless. (I do note that the words adopt and create have been transposed in error by the Clerk).

- 5) The Parish Plan as written focuses on two main areas, the continuing improvement in PC Governance and its leadership role in promoting a sustainable parish. Given the appalling lapses in governance witnessed over the past year, and the fact that the PC has declared a Climate Emergency, the irony of the situation is not lost on me.
- 6) Finally, no plan means no strategy, no implementation and no progress. Failure to plan is planning to fail. Is the PC content to be purely reactive and not proactive?

Other governance issues:

No proper response to my previous complaint. No evidence that it was investigated.

No proper Annual Parish Meeting. Clerk referred to PC Public Meeting as Annual Parish Meeting.

Revising agenda during statutory notice period. (22 July for 24 July meeting)

Clerk's agenda item to declare General Competency when the conditions were not fulfilled - I got Malcolm to point this out to spare his blushes and he withdrew the motion.

Replacing approved minutes with documents created much later -October, November, December 2018 and January 2019 all show a created date of 6 March 2019. Even if the content is the same it is not acceptable to corrupt the document audit trail in this way. These documents cannot be considered to be the legal proof of the proceedings.

On 17 Sep 2019, at 11:08, Mervyn Ellis <[mervyn.ellis@botusfleming.org.uk](mailto:mervyn.ellis@botusfleming.org.uk)> wrote:

Hi [REDACTED]

This morning was my first opportunity to speak to the Clerk to thrash out the issues we spoke about last Saturday week. The plan will be on the agenda for discussion next week where I will address the issue of adoption.

The Clerk did explain that back in February Sally pointed out (but didn't explain this at the ops meeting last Wednesday) that the minutes read matters ARSING not ARISING. When Chris went back he noticed that this error had been made since October 2018. As he didn't think this looked good on the website he corrected the spelling. There is no suspicion in my view that minutes have been doctored or altered save for that misspelling.

I hope the explanation is satisfactory and I am sure you will be following the minutes of the next meeting with interest!!

Subject: Re: RE-CREATED MINUTES

From: [REDACTED]

Date: 10/09/2019, 13:59

To: Mervyn Ellis &lt;mervyn.ellis@botusfleming.org.uk&gt;

Botus Fleming Parish Council  
www.botusfleming.org.ukWednesday 24<sup>th</sup> October 2018

Present: Councillor Ellis (Chair)

Councillors Edwards (V/Chair), Fletcher, Malcolm, Robinson and White

Apologies for absence

Also in attendance

Officer

Members of the public

The Public meeting

Members of the public

3 minutes. This meeting

filmed or recorded

public were advised

public would not be

Minutes 1 24<sup>th</sup> Oc

146/2018 Acting Chair's Welcome &amp; Housekeeping

Acting Chair Cllr. Ellis welcomed Councillors and residents to the public meeting. The Acting Chair thanked Messrs. Morgan & Aughey for their work previously carried out as Councillors in a number of areas for the benefit of the Community, and noted their continued involvement with the Neighbourhood Development Plan Steering group and general interest in NDP matters.

147

Parish Clerk

Botus Fleming Parish Council  
www.botusfleming.org.ukWednesday 28<sup>th</sup> November 2018

Present: Councillor Ellis (Chair)

Councillors Edwards (V/Chair), Fletcher, Malcolm, Robinson and White

Apologies for absence

Also in attendance

Officer

Members of the public

The Public meeting

Members of the public

3 minutes. This meeting

filmed or recorded

public were advised

public would not be

Minutes 1 24<sup>th</sup> Nov

167/2018 Chair's Welcome &amp; Housekeeping

Cllr. Mervyn Ellis (Chair) welcomed Councillors and residents to the public meeting. The Chair made mention of the recent Remembrance Commemorations Christmas Fayre commenting on their successes. A vote of thanks was given to Edwards and the (CAT) and the 'backroom team' of local residents who had that both events were so well presented.



Botus Fleming Parish Council  
www.botusfleming.org.uk

Wednesday 12<sup>th</sup> December 2018

Present: Councillor Ellis (Chair)  
Councillors Edwards (V/Chair), Fletcher and White

#### Apologies for absence

Also in attendance:  
Officer

#### Members of the public

The Public meeting

Members of the public  
3 minutes. This meeting  
was filmed or recorded  
public were advised  
public would not be

#### Minutes 12<sup>th</sup> Dec

##### 185/2018 Chair's Welcome & Housekeeping

Cllr. Mervyn Ellis (Chair) welcomed Councillors and residents to the public meeting. The Chair thanked the Clerk for producing the Agenda, Minutes and Budget/Precept briefing notes so promptly as the last Public meeting was only two weeks previous.

486

Public meeting

Botus Fleming Parish Council  
www.botusfleming.org.uk

Wednesday 23<sup>rd</sup> January 2019

Present: Councillor Ellis (Chair)  
Councillors Edwards (V/Chair), Fletcher Malcolm and White

#### Apologies for absence

Also in attendance:  
Officer

#### Members of the public

The Public meeting

Members of the public  
3 minutes. This meeting  
was filmed or recorded  
public were advised  
public would not be

#### Minutes 23<sup>rd</sup> Ja

##### 202/2019 Chair's Welcome & Housekeeping

Cllr. Mervyn Ellis (Chair) welcomed Councillors and residents to the public meeting. The Chair made a statement in response to a resident's enquiry. The statement can be found under Item 209 Correspondence.

##### 203 Commendation Award Certificates

Cllr Edwards (V/Chair) explained that the Parish Council awarded annually

On 10 Sep 2019, at 13:40, Mervyn Ellis <mervyn.ellis@botusfleming.org.uk> wrote:

H

Have taken off agenda and minutes from Apr '18 to use as evidence for a discussion at tomorrow's Ops meeting. Where did you say one can find the created date, as you were querying why 4 months minutes were re-recreated in March '19 after they were already approved? Cheers.



**Subject:** Re: Agenda item for August meeting

**From:** [REDACTED]

**Date:** 28/08/2019, 22:18

**To:** botusfleming clerk <clerk@botusfleming.org.uk>

[REDACTED]

Well, so much for the PC "facilitating" the work of the group. The correspondence has not been noted in the agenda nor posted on the PC website and the request to the PC to address the issues at the beginning of the meeting appears to have been dismissed. I hope that the chair will exercise his power to move the matter to the start of business - Standing Order 01(a).

On 28 Aug 2019, at 06:05, botusfleming clerk <clerk@botusfleming.org.uk> wrote:

Dear [REDACTED]

The questions noted under you email 19/8/2019 form the basis of discussions under Agenda item 341(G), or 342 if need be.

Climate change has been an Agenda item for several months now, as indeed it is with many Parish Councils.

Thank you.

[REDACTED]  
Botus Fleming Parish Council

[REDACTED]

**BOTUS FLEMING PARISH COUNCIL**

This email and attachments are intended for the above named only and may be confidential. Should the email have come to you in error you must take no action based on the content, nor must you copy or show the information to anyone. Please email us immediately on [clerk@botusfleming.org.uk](mailto:clerk@botusfleming.org.uk) to report the error. Replies may be subject to recording and / or

**Subject:** Re: Public footpath obstruction

**From:** [REDACTED]

**Date:** 29/07/2019, 12:58

**To:** Mervyn Ellis <mervyn.ellis@botusfleming.org.uk>

**CC:** [REDACTED]

Mervyn

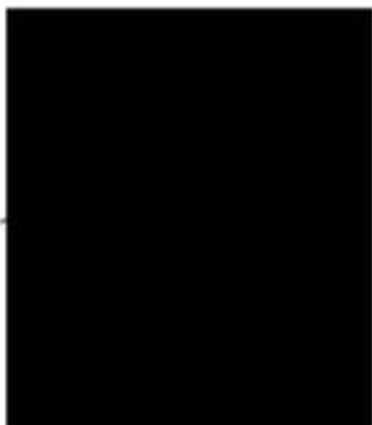
The response to my formal approach to you as PC chair is:

"Chair's item – Cllr Ellis (Chair) reported that a resident had informally made a complaint regarding the use of pesticide at a property in Vollards Lane Hatt.

Cllr Smith confirmed that he had had the same complaint. Councillors agreed that in order to deal with the complaint formally a letter should be included under correspondence on the next Public Meeting Agenda."

This completely fails to address my concerns about the loss of one of our amenities and the risk to residents and it is the second time I have had to chase a response to issues I have raised. The PC response to my letter regarding the Parish Plan is not recorded in the minutes. Can I expect a personal response?

best wishes



On 10 Jul 2019, at 08:17, Mervyn Ellis <mervyn.ellis@botusfleming.org.uk> wrote:

Hi [REDACTED]

I will place this on this month's agenda for discussion and give our clerk an action point to take it up with CC and the farmer concerned.

Many thanks for the information.

On 07/07/2019 11:40 [REDACTED] wrote:

Mervyn

It was good to see you on Sunday. It's a pity that Linda couldn't make it. I'm sorry that your route along the public footpath was arduous. The lack of adequate signage, poor

maintenance, user-unfriendly stiles and the ploughing and planting of a section of the path do not help the walker to have access to the countryside or use the path as an access to Villaton and the circular walk back to Hatt. While CC's financial situation probably explains the lack of maintenance, the deliberate cultivation of the path with potatoes is an illegal act. Add to this the fact that, prior to ploughing, the farmer sprayed the entire field with a herbicide twice without regard to walkers and has subsequently sprayed the crop twice with toxic fungicide, again giving no notice.

This path is an important asset to many locals. We use it on a daily to access the shop in Hatt and we meet many dog-walkers who use the circular route. This is the only access to open countryside in the parish to the west of the A388 and the only Gold Path in the parish. (Parish/path no./link no. : 603/1/1

**Priority (gold/silver/bronze) : Gold** It may soon be the only opportunity for residents to walk off the roads and lanes. For this reason I am asking the Parish Council to investigate the matter and take steps to ensure that this important local amenity is protected.

Best wishes



**Subject:** Parish Plan

**From:** [REDACTED]

**Date:** 31/05/2019, 17:41

**To:** Mervyn Ellis <mervyn.ellis@botusfleming.org.uk>

Merv

Congratulations on your re-election. I wish you a successful year ahead.

I see that the draft minutes contain the statement,

Cllr Edwards (Vice Chair) confirmed that the Parish Plan could not be published in the current format whilst the Recreation Field Lease was still under negotiation. The Planning Consultant agreed that the Parish Plan would have to be written along with a revamp of the Introduction of the Executive Summary.

Firstly, I see that the version of the Plan on the PC website is the draft that was presented to the PC for discussion. It was then amended and a separate Executive Summary added. I attach the relevant files and request that you circulate them to the councillors so that they can be properly informed.

Secondly, I would like to point out that the Plan does not cover the development of the recreation field, it simply mentions it as a possibility for the future. The impasse over the field should not delay implementation.

Thirdly, the Planning Consultant's remit was to support the work of the NDP. He has no experience in Parish Plans and, to the best of my knowledge, did not express a professional opinion on the matter.

Given that the PP is a stand-alone document, and the NDP is an annex of the PP and can be added later (much later if the current rate of negotiation with Dick Shovell continue at the present rate), I would like you to consider adopting and implementing the PP ASAP. Hopefully, when you next address the electors at a properly constituted Annual Parish Meeting in 2020 you will be able to claim some successes in its implementation.

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Also, one matter of fact. The Clerk has referred to the approved minutes as those relating to the active meeting.

#### **284 Minutes of the Annual Meeting of the Parish Council 22<sup>nd</sup> May 2019**

The Minutes were a true record of the Meeting. Proposed Cllr Robinson, seconded Cllr Ellis (Chair).

Simple mistake, anyone could have made it, really.

Best wishes



— Attachments: —

Parish Plan v 08052018.docx	1.6 MB
EXECUTIVE SUMMARY.docx	141 KB

Many thanks.

On 20/04/2019 18:02, [REDACTED] wrote:

Merv

Next Wednesday's meeting is billed as the Annual Parish Meeting but the agenda is for a PC meeting. P32 of the Good Councillor's Guide says,

"Two annual meetings

If you are elected in May your first meeting will be the Annual Meeting of the Council.

This is where you elect a chairman and probably a vice-chairman, and appoint committee members and representatives to other bodies. Remember that this is a meeting of the council.

The Annual Parish or Town Meeting is not a council meeting. It is a meeting of the parish or town electors taking place between 1 March and 1 June. Electors can contribute to the agenda and in practice these meetings often celebrate local activities and debate current issues in the community. The chairman of the council, any two councillors or any six electors can call the Annual Parish or Town Meeting. The Chairman, if present, will chair the meeting. It is best practice to hold the Annual Meeting of the Council and the Annual Parish Meeting on different occasions to avoid confusion."

Too late now to produce a Parish Meeting Agenda. Will this be rescheduled for a different date?

Best wishes

[REDACTED]

**Subject:** Re: Annual Parish Meeting

**From:** [REDACTED]

**Date:** 23/04/2019, 10:22

**To:** Mervyn Ellis <mervyn.ellis@botusfleming.org.uk>

Merv

In a bit of a rush as off to see [REDACTED] who is in hospital. Cant see any reference to a 7.15 start and can't see any agenda for Annual Parish Meeting. Certainly no clear publicity like previous years, see <http://www.botusfleming.org.uk/data/uploads/528.pdf>



On 23 Apr 2019, at 10:06, Mervyn Ellis <mervyn.ellis@botusfleming.org.uk> wrote:

Hi

We are having separate meetings and have been given the due notice. These went out on the first of April. I have an agenda in front of me marked Notice of Annual Meeting of the Parish of Botus Fleming. It is stated that this meeting will start at 7.15 pm. This is the end of term/financial year meeting when the chair submits a report. Matters arising from the previous year, which there are none, now that is unconstitutional! Statements of accounts 2018/19 and finally matters raised by parishioners.

In May there is a meeting scheduled and named the Annual Meeting of the Parish Council. This is where a chair is appointed and a vice-chair should one be desired/necessary. Personally I think one is necessary.

I fail to see where we have gone astray and in fact it wasn't constitutional to hold both these meetings at the same time as happened last year. But then I wasn't running it nor was I in attendance.

I fully understand the two AGM's and their purposes, if you don't mind me referring to them in that manner.

Please feel free to attend these meetings and raise points of order. By this method you will have responses or apologies from various sources, not just my take on things.

Look forward to seeing you.



**Subject:** Fwd: Annual Parish Meeting

**From:** [REDACTED]

**Date:** 21/04/2019, 09:17

**To:** Mervyn Ellis <mervyn.ellis@botusfleming.org.uk>

Merv

One more thing - The Annual Parish Meeting requires 7 clear days of notice, excluding Sunday's and BHs.

Begin forwarded message:

**From:** [REDACTED]

**Date:** 20 April 2019 at 18:02:04 BST

**To:** Mervyn Ellis <mervyn.ellis@botusfleming.org.uk>

**Subject:** Annual Parish Meeting

Merv

Next Wednesday's meeting is billed as the Annual Parish Meeting but the agenda is for a PC meeting. P32 of the Good Councillor's Guide says,

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Too late now to produce a Parish Meeting Agenda. Will this be rescheduled for a different date?

Best wishes

**Subject:** Annual Parish Meeting

**From:** [REDACTED]

**Date:** 20/04/2019, 18:02

**To:** Mervyn Ellis <mervyn.ellis@botusfleming.org.uk>

Merv

Next Wednesday's meeting is billed as the Annual Parish Meeting but the agenda is for a PC meeting. P32 of the Good Councillor's Guide says,

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Too late now to produce a ~~Parish~~ Meeting Agenda. Will this be rescheduled for a different date?

Best wishes

[REDACTED]

Proposal by the Parish Clerk 13/3/19

To BFPC Chairman & Councillors

The Parish Clerk recommendation for consideration by Councillors:-

Reference the latest communication from [REDACTED] expressing dissatisfaction from the response to his last complaint, the Clerk's proposal for consideration is that ALL correspondence / emails between the Parish Council Chairman and the complainant (including official responses to the complaint along with associated supporting documents are submitted to the Standards Committee Cornwall Council for their consideration.

That [REDACTED] be advised that the Parish Council have passed this matter to the Standards Committee and that the Parish Council will not engage in any further communication over this matter until the Standards Committee have reported back. Thereafter, all parties would be expected to execute the recommendations, if any, made by the Standards Committee.

----- Forwarded Message -----

**Subject:**Re: Complaint against the clerk

**Date:**Thu. 7 Mar 2019 20:11:27 +0000

**From:**

**To:**Mervyn Ellis <mervyn.ellis@botustleming.org.uk>

Mervyn

I appreciate that you followed my advice and asked the clerk for a written response to my complaints about his statements made in the January meeting. I was surprised however to see that you consider this to be the end of the matter. The reason for requesting his comments is to give the PC members a chance to determine the facts of the matter so councillors can decide if the complaint can be dismissed or, in this case, remedial action taken to address performance issues with the Clerk. In his very wordy submission the Clerk maintains that details of the planning application were not available to the PC although the CC website clearly shows that all relevant information was posted on 22 November 2018 <http://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PILEO2FGK3A00>. He also seems to be saying that statutory regulations regarding openness need only apply when the PC or clerk think it necessary, referencing a conversation he had with someone from his representative body. However, he offers no evidence to support his comments. Conversely, my complaint contains evidence to support my assertions.

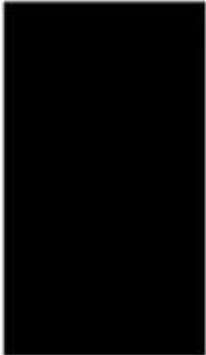
You will recall that I first contacted you informally to bring to your attention several matters that had not been handled well. I had expected the issues to be resolved with a suitable minuted comment but, in the event, you decided to address them formally in the January meeting by reading out my confidential email and acknowledging that things would be handled differently in the future. And there the matter would have ended had you not given the floor to the Clerk. But you did, and the rest is history, and has resulted in my complaint against his comments at that meeting. So, I would appreciate it if you and your fellow Councillors would complete the process of investigating my complaint, establish the facts of the matter and the policy governing decisions made outside meetings, and report your conclusions at the next PC meeting. As my complaints were based on facts and evidence it is not for the PC simply to form an opinion based on their own understanding. I would expect members to interrogate the CC website to confirm the dates and content of the planning information and, again, I would advise you to seek guidance from CALC regarding policy.

And just to set the record straight, I reject the Clerk's assertion that I have made complaints against Parish Councillors. My issue here is with the Clerk. It is not personal. I recognise that he is eager and enthusiastic but still has a lot to learn about the job. The fact that he seems to be unable to learn from his mistakes should give cause for concern. Also his suggestion that the planners did not behave properly when dealing with the planning application is quite a contentious thing to say publicly and could spark a further complaint from that direction.

Finally, I note your comment "we hope not to have to justify ourselves or feel it necessary to explain  
12/03/2019

what may be perceived as shortcomings." As public servants you should always be prepared to justify yourselves to the electorate to whom you are accountable. And as the Parish Plan points out, politics at parish level should be participative rather than representative.

None of the above is intended to be coercive or intimidating.



On 14 Feb 2019, at 09:02, Mervyn Ellis <[mervyn.ellis@botusfleming.org.uk](mailto:mervyn.ellis@botusfleming.org.uk)> wrote:

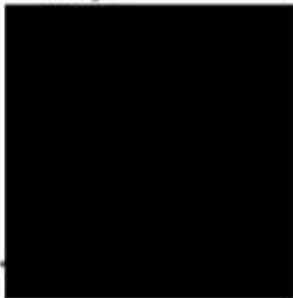
Hi [REDACTED]

Agreed I will speak to him about the matters raised.

On 14/02/2019 08:46 [REDACTED] wrote:

Merv

I believe that standard practice is to ask the clerk for a written response to the complaint. He would be advised to take guidance from his representative body.



On 14 Feb 2019, at 08:26, Mervyn Ellis <[mervyn.ellis@botusfleming.org.uk](mailto:mervyn.ellis@botusfleming.org.uk)> wrote:

Hi [REDACTED]

Yes I will. There were no conclusions yesterday as the clerk couldn't attend at the last minute. [REDACTED] were also absent. The others were updated and we have all agreed to look further into the matter and reconvene next Thursday. I will seek the advice from CALC as you suggest.

On 13/02/2019 13:05, [REDACTED] wrote:

Merv

Thank you. I still recommend that you discuss the

complaint with CALC. Otherwise the discussion will consist of the opinions of the councillors rather than the application of the regulations. Good luck.



On 13 Feb 2019, at 12:30, Mervyn Ellis  
<[mervyn.ellis@botusfleming.org.uk](mailto:mervyn.ellis@botusfleming.org.uk)> wrote:

Hi [REDACTED]

Having now read the contents of your/our email thread again I can see that it is a matter for me to deal with rather than a complaint to CC about our practice's. We have an OP's mtg this evening but the clerk may not be attending. With or without his presence your complaint will be discussed. I personally think he was out of his depth on this one and the training he is now embarking on will hopefully improve his performance.

I intend raising the issue of performance appraisal as well this evening. I expect these issues to take up a considerable amount of time and quite right too!!

Cheers.

On 10/02/2019 20:27, [REDACTED]  
wrote:

Merv  
I've been in two minds about this but have decided to pursue a complaint against the Clerk. Sorry if this makes extra work for you but I think that it the only thing that will make the PC look at, not just the issues stated, but the whole issue of the relationship

between the PC and the  
Clerk and the overall  
governance of the PC.  
Best wishes





## STATEMENT TO PRECEDE THE CLERK'S FINDINGS REGARDING ACCUSATIONS MADE.

I would also add that this council is not coerced or intimidated by any one person including the clerk, as has been alluded to. The clerk is there for guidance and we support him in that role.

We, as a council, have certainly not set out to deliberately mislead or undermine each other or indeed the paying residents of this parish.

Before I invite the clerk to make a statement, ~~hopefully~~ to answer the outstanding issues not cleared to the satisfaction of the resident who raised the issues of concern, I would like to emphasise that this is not up for debate, the issue will be closed by this parish this evening and we will continue with urgent business and impending issues that need serious attention and thought.

The council is aware that residents may raise concerns about its practice's and procedures and we respect their right to do so but going forward we hope not to have to justify ourselves or feel it necessary to explain what may be perceived as shortcomings.

I will now hand over to our clerk to give a response to the issues raised at the last meeting.

*clerk statement attached.*

**Complaint against the Clerk of Botus Fleming Parish Council – 10<sup>th</sup>  
February 2019**(RESIDENT'S  
NAME  
OMITTED)To:-  
Chairman / Vice Chairman & all Councillors

XX in his preamble regarding PA18/11050 stated that the Clerk's response to the Statement made by the Chairman at the last Public Meeting was 'inaccurate and misleading' in connection to the Planning Application and the Role of the Clerk.

**Statutory Background.**

Items 1 & 2 – Noted as standard practice.

Item 3 – All Agendas & Minutes are recorded on the Council Website

Item 4 – 16B xiv All Planning Applications are monitored and recorded correctly and the file is available for scrutiny and audit. This is standard practice and no Planning Application has failed to appear on Agendas. The Complainant may be confused here with the 5 day protocol process, which is a completely different issue.

Item 5 – Refers to Delegated Powers to the Clerk. This is correct in that there are currently no Delegated Powers. In any event, these Powers do not extend to Planning matters, and where powers are delegated by the Council apply to Financial issues such as petty cash / emergency repairs, and to dealing with Elections and the co-option process. The point in this context is therefore irrelevant.

**Substance of Complaint****A**

PA18/09919 Keres House and PA18/09456 Bidwell Cottage  
These Applications are respectively PA17/11440 & PA15/06010 and previously approved by the Parish Council. Agenda 28<sup>th</sup> November 2018. Comment made on Minutes 28<sup>th</sup> November 2018. Further response and comment on Agenda 12<sup>th</sup> December 2018.

The revised Applications inform the Council of non-material amendments which do not affect the existing Planning Permission previously approved and granted and which require no further action by BFPC other than recording and noting the changes in the Minutes. The Agenda reflected the fact that the LPA and the Parish Council had approved the previous Applications.

I applied for an extension to the time limit for responding and circulated the information received from the Planning Department to Councillors and included the two items on the Agenda for the following BFPC Meeting. I recorded the previous Approval decision for information. I have no desire to 'act above any powers or outside of standing orders'.

When the complaint was received I responded to XX and advised him that I would refer his complaint (with all the emails received and sent) to the Society

of Local Council Clerks (a professional body recognised by CALC) for their advice. They supported my handling of this matter as the planning amendments were non material and therefore did not require further discussion and approval. They were correctly included in the Agenda for noting by the Councillors. I explained this situation on the Agenda and Minutes relating to the 28<sup>th</sup> November 2018 and 12<sup>th</sup> December 2018.

To sum up: Non material amendments do not change or alter the existing planning consent and should be included in the Agenda and noted in the Minutes. This means that Councillors are not obliged to make a comment and no vote takes place, and in the examples above I am sure that Cllr Steve Malcolm requested that the item be 'noted' to which Cllr Dave Edwards (V/Chair) agreed.

In conclusion, I refute the substance of the complaint, wherein the Clerk is alleged to have acted incorrectly, including 'predetermining' as in this case there was nothing to predetermine.

Councillors must determine whether I failed in my duty to them. I believe that the two items above, reflecting **non-material changes** to approved Applications were dealt with in the same fashion as the precedent set previously under PA17/09068.

The Clerk at the time recorded the following in the Minutes:

'PA17/09068 Non Material Amendment  
You are invited to comment on the changes, but not obliged. No vote necessary.'

Councillor XX was present at this meeting.

## B

PA18/11050 Orchard House

In relation to the accusations made against the Clerk of 'misleading the public, not Minuting comments and undermining public confidence' I think that first thing that has to be considered is the following timeline of events :-

30th November 2018 – The LPA inform the Clerk of a new Planning Application with a response deadline of 21<sup>st</sup> December 2018

12<sup>th</sup> December 2018 – Orchard House Planning Application placed on Agenda for discussion.

18<sup>th</sup> December 2018 – LPO website portal updated with the Parish Council's decision raising objections as listed in the content of the Complaint letter.

18<sup>th</sup> December 2018 – Clerk received email from Applicant for Orchard House providing revised Plans. As Councillors turned down the Application based on

the lack of Plans, then it was clear that the **revised plans had not been provided to date.**

( Please see the emails which I have sent to you from the Applicant Sarah Davey)

19<sup>th</sup> December 2018 – LPA writes to the Clerk requesting that the Council deal with the revised Application within the 5 day protocol deadline. The LPA also sent details explaining the 5 day protocol process and why it is requested. The LPA were of a mind to **approve** the Application. Invitation sent to all Councillors for response.

19<sup>th</sup> December 2018 – email exchange between Councillors and also the LPA suggesting that the Parish Council **DO NOT** respond to the request. No extraordinary meeting was called.

17<sup>th</sup> January 2019 – LPA grant permission to the Orchard House Architects.

17<sup>th</sup> January 2019 – LPA advise the Clerk that the decision is pending.

13<sup>th</sup> January 2019 – LPA advise the Clerk that the Application is approved with conditions.

23<sup>rd</sup> January 2019 – The Planning Application is recorded on the Agenda for the Public Meeting.

Four aspects are clear to me with regards to the above:-

1. Standing Order 16 B xiv is being adhered to and there is a clear record of the Planning Application in question.
2. There was a misunderstanding in the Council as to how the 5 day protocol should be dealt with, prompting me to draft a 5 day protocol document for adoption and use in the future. This further improves Governance as there was no procedural document in place before.
3. The above timeline shows (I believe) that all 'reasonable' steps had been taken by the Clerk & Councillors in order to deal with the Planning Application.
4. All these points indicate why (in my view) the Complaint should not be upheld.

As an additional point of precedence which the Parish Council can call upon, I refer to Planning Application PA17/07968 (Ellendon Limited) which was the last time that the 5 day protocol process was called on. From what I can see regarding Mr. Ellendon his Application was rather more contentious than that of Orchard House

The LPA wrote to the Clerk to action the protocol on 10<sup>th</sup> October 2017 and following a conversation between the Chair & V/Chair during 2017 (this may have included XX and other Councillors), the Clerk responded with the

decision of ' the Council maintaining it's position ' 12<sup>th</sup> October 2017 ( within 2 days ).

I have no reason to suppose that this matter was not completed in a clear and legally correct manner.

There are comparisons to draw upon here with the current complaint.

In conclusion, the Complainant's statement that ' glaring inaccuracies ' in connection with PA18/11050 should have been picked up by Councillors at the time, leads me to assume that he would not have been aware of the timeline above.

Only Councillor's can comment as to the Complainant's assertion of 'surprise ' regarding the Councillor's actions. This is XX's opinion to which he is entitled to express.

Should there be any points that I have missed out then I would gladly address them or clarify further.

Where I am unsure of any planning procedural matter I consult the LPA for advice. I have commenced my SLCC training. I have been assigned a contact person (an experienced Clerk) and as mentioned above, immediately referred XX's complaint to her. I also have access to advice from my experienced SLCC (CiLCA) course tutor. I take my responsibilities to BFPC very seriously and will continue to do everything in my power to ensure I carry out my duties in an open, transparent and correct manner.

Christopher Cook – Parish Clerk – 19<sup>th</sup> February 2019



The complaint marked as 'B' and the planning application PA18/11050 was for the development of an annex building and the conversion of an outbuilding to an annex and a new link to the main house.

The complainant is correct that the PC discussed the application at its public meeting on 12th December 2018.

Councillors referred to a previous planning application relating to the conversion of the outbuilding to a standalone building.

The plans available did not demonstrate how the annex was to be connected to the main dwelling.

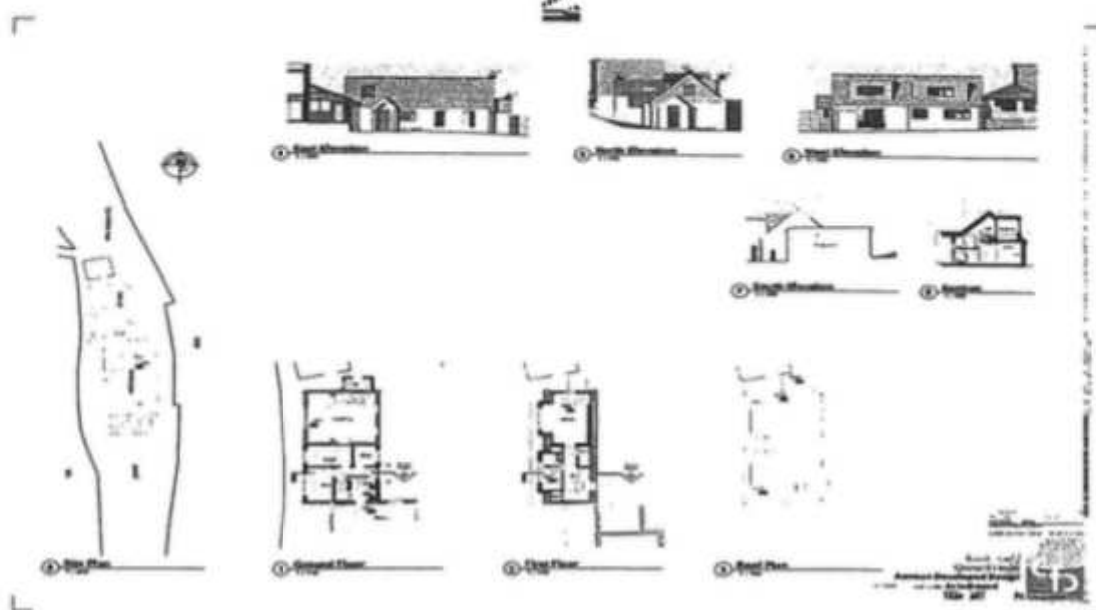
Councillors proffered that the plans submitted were unclear as to how the current plans differed to the original application, which was subsequently refused.

Councillors believed that because of the lack of plans showing the connection between the main dwelling and the annex they had no option but to refuse the application again, but asked for clarification from the Planning Officer and requested any new plans that demonstrated the link between the two buildings.

The complainant claims that plans were available on Cornwall Council's (CC) Planning website on 22<sup>nd</sup> November 2018 in the letter of complaint dated the 10<sup>th</sup> February 2019.

Following an operational meeting in February 2019 to discuss the complaint it was discovered that there was a plan on the CC website marked 'Annex Developed Design'

W:\2018\1830 Orchard House, Hatt\5 Issued and Shared\PDF\1830 Orchard House 2 - sliding door - Sheet - 301 - Annex Developed Design.pdf



However, no member of the PC or the Parish Clerk could recall ever seeing the plan prior to the 12<sup>th</sup> December 2018. It may have been that the plan was not actually available prior to the 12<sup>th</sup> December 2018 on the CC website and was possibly a mistake on their part.

We believe that not all of the Parish Council or the Parish Clerk would have overlooked this plan had it been available at the time.

The Parish Council are only human beings and are not arrogant enough to think that they are not capable of making mistakes.

If the plans were available then the Parish Council apologises unreservedly and would learn from the mistake going forward.

However, we believe that the information was not available prior to the deliberations on 12<sup>th</sup> December 2018.

Circumstantially to support this point of view, on the 18<sup>th</sup> December 2018 the PC received further information with regards to application PA18/11050 via the Parish Clerk.

The applicant had been informed that the PC had refused the application due to the lack of plans available demonstrating the link between the main dwelling and the proposed annex.

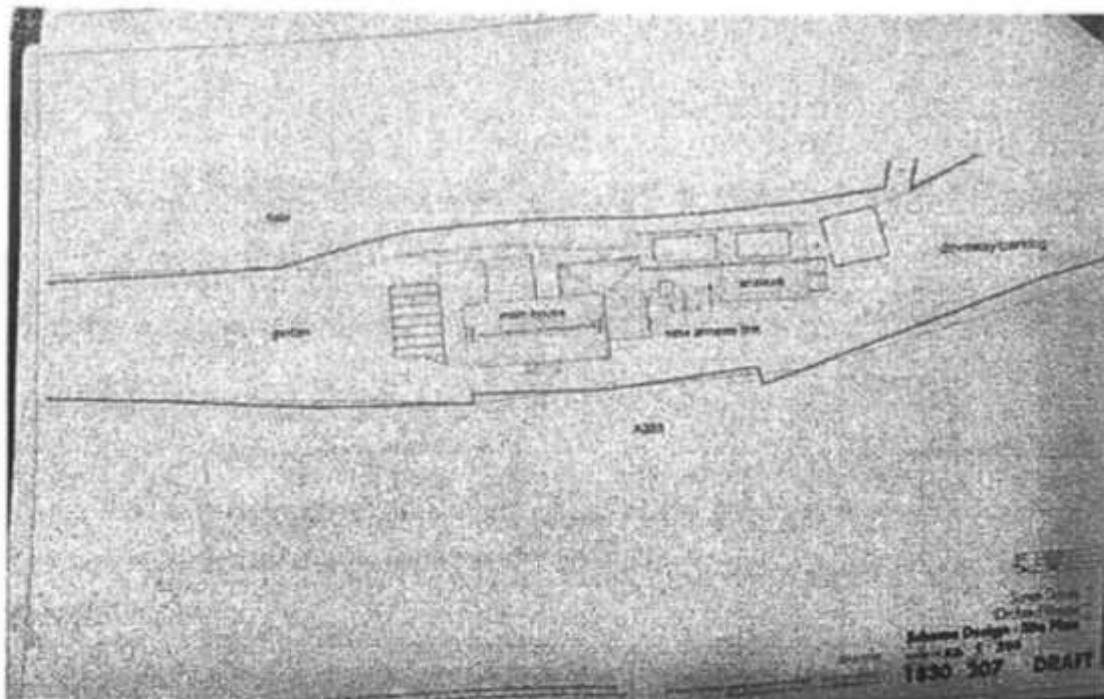
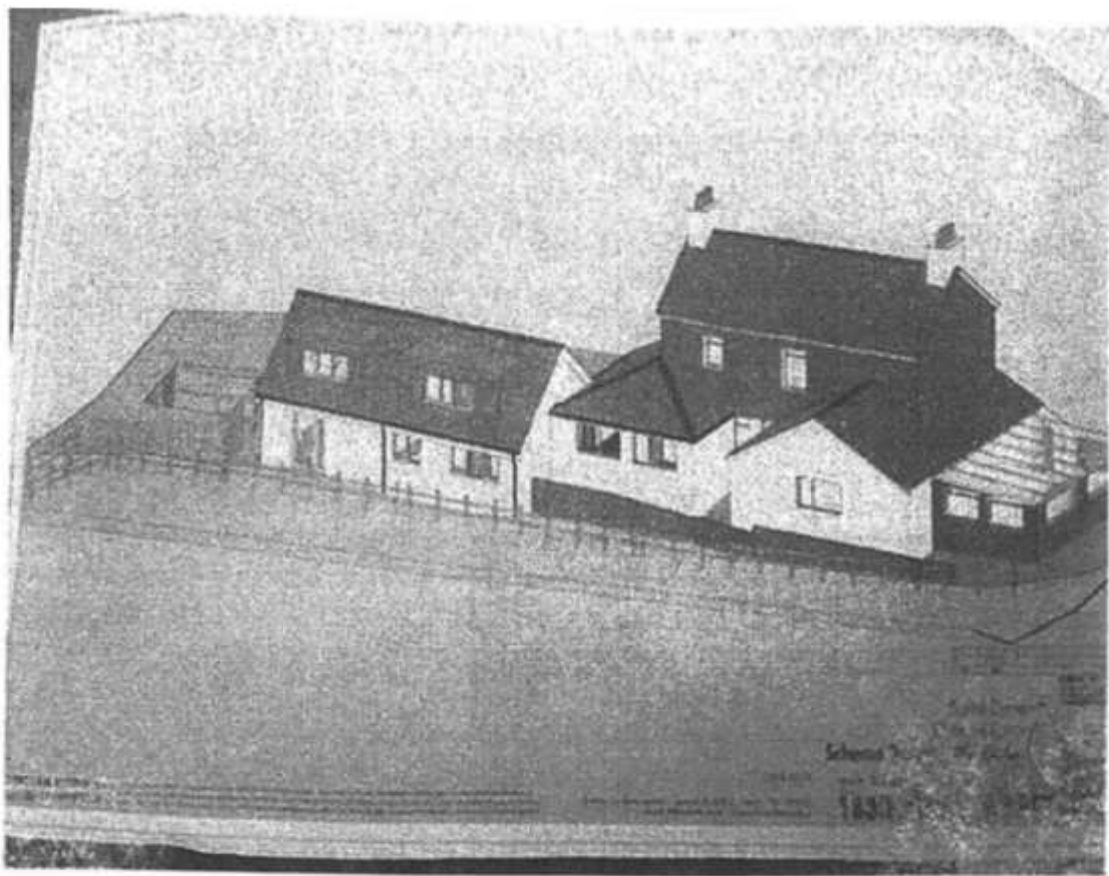
The applicant had attached two (2) plans that clearly demonstrated the link along with the following comment:

"At your recent parish council meeting, you discussed the site notice for the proposed planning application at Orchard house Hatt. We have been informed by the local council that you objected due to lack of connection to the main house. Please find the attached document to clear any confusion, which clearly shows the purposed (sic) annex connecting to the main house".

Both plans were dated 29<sup>th</sup> October 2018 and were not on the CC website with regards to application PA18/11050 prior to the PC meeting on 12<sup>th</sup> December 2018 and to date they still don't appear on the portal.

We believe that had the plan in question been available on or before the 12<sup>th</sup> December 2018 the applicant would have made reference to it as indeed should have the Planning Officer dealing with the application.





It appears the CC have failed to update their portal with regards to PA18/11050 with the two (2) plans dated 29<sup>th</sup> October 2018 showing the link between the dwelling and the annex.

The PC and Parish Clerk could only consider the information that was available to them at the time.

The complainant's allegations that councillors failed to prepare and did not pick up on the 'glaring inaccuracies in the response to PA18/11050 and challenged during the discussion' are respectfully denied.

Subject: Re: Complaint against the clerk

From: [REDACTED]

Date: 14/02/2019, 08:46

To: Mervyn Ellis <mervyn.ellis@botusfleming.org.uk>

Merv

I believe that standard practice is to ask the clerk for a written response to the complaint. He would be advised to take guidance from his representative body.



On 14 Feb 2019, at 08:26, Mervyn Ellis <mervyn.ellis@botusfleming.org.uk> wrote:

Hi [REDACTED]

Yes I will. There were no conclusions yesterday as the clerk couldn't attend at the last minute. [REDACTED] were also absent. The others were updated and we have all agreed to look further into the matter and reconvene next Thursday. I will seek the advice from CALC as you suggest.

On 13/02/2019 13:05, [REDACTED] wrote:

Merv

Thank you. I still recommend that you discuss the complaint with CALC. Otherwise the discussion will consist of the opinions of the councillors rather than the application of the regulations. Good luck.

[REDACTED]



On 13 Feb 2019, at 12:30, Mervyn Ellis <mervyn.ellis@botusfleming.org.uk> wrote:

Hi [REDACTED]

Having now read the contents of your/our email thread again I can see that it is a matter for me to deal with rather than a complaint to CC about our practice's. We have an OP's mtg this evening but the clerk may not be attending. With or without his presence your complaint will be discussed. I personally think he was out of his depth on this one and the training he is now embarking on will hopefully improve his performance.

I intend raising the issue of performance appraisal as well this evening. I expect these issues to take up a considerable amount of time and quite right too!!

Cheers.

On 10/02/2019 20:27, [REDACTED] wrote:

Merv

I've been in two minds about this but have decided to pursue a complaint against the Clerk. Sorry if this makes extra work for you but I think that it the only thing that will make the PC look at, not just the issues stated, but the whole issue of the relationship between the PC and the Clerk and the overall governance of the PC.

Best wishes

[REDACTED]

[REDACTED]



---



10th February 2019

Cllr Mervyn Ellis  
Chairman  
Botus Fleming Parish Council  
48 Sunnybanks  
Hatt

Dear Chairman,

You will be aware that We have been in informal communication about matters relating to my concerns about how the Parish Council has been conducting its business. I have also written to the Clerk to express some of these concerns. I am grateful to you for raising some of these issues during your opening comments at the January PC meeting and for the reassurances that you gave. You did not respond to my comments about planning application PA18/11050, opting instead to defer to the Clerk. Unfortunately, the Clerk's comments were inaccurate and misleading, both with regards to the planning application and the role of the Clerk in dealing with applications arising between scheduled PC meetings.

Having failed to obtain a satisfactory resolution through informal means I feel that I have no option but to use the PC Complaints Procedure to force the PC to address these issues. My complaint is attached.

Yours faithfully

# Complaint against The Clerk of Botus Fleming Parish Council [REDACTED] 10 February 2019

## Statutory Background

- The role of Clerk is to ensure that the Council as a whole conducts its business properly and to provide independent, objective and professional advice and support. This role is stated clearly in the Clerk's Job description. The Clerk is also subject to the Standing Orders of the PC. For the council to function properly it is essential that the advice and information provided by the Clerk is accurate.
- The PC must conform to the basic principles of public life - the Nolan Principles - and these form the basis of the PC Code of Conduct and Standing Orders.
- The business of the PC must be conducted in Meetings where the public has access and the dates and agendas must be made available to the public in advance. No motion can be resolved unless it appears on the agenda.
- 16 B xiv of the Standing Orders state that the Clerk must: "refer a planning application received by the council to the [Chairman or in his absence the Vice-Chairman of the Council] OR [Chairman or in his absence Vice-Chairman (if any) of the ( ) Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the council] OR [( ) committee];"
- It is possible for a PC to resolve to delegate certain responsibilities to the Clerk. The PC has not delegated any responsibilities to the Clerk.

## Substance of complaint

The complaints relate to two actions taken by the Clerk and both concern the handling of planning applications where the PC was a statutory consultee.

- A. In the matters of PA18/09919 and PA18/09456, notification of the applications arrived with a deadline for submission of comments falling before the next scheduled PC meeting. The Clerk dealt with the matter by canvassing the views of individual councillors and, based on their responses, submitted comments to the planning department to the effect that the PC had no objections and supported the applications. When challenged, the Clerk asserted that he had discretionary power to take this action and his decision was supported by advice from the Society of Local Council Clerks as the applications were non-contentious changes to previously approved applications. Although the Chair has subsequently acknowledged that the correct process was not followed, the Clerk continued to assert in the January PC meeting that he acted appropriately. In these matters the Clerk:
- Acted beyond his powers
  - Failed to conduct himself in a way that reflects the principles of public life
  - Failed to adhere to 16B xiv of there Standing Orders
  - Placed councillors in a position where they could be accused of predetermining their views on planning matters
  - Acted in a way that damages the reputation of the PC.

The fact that these applications were considered to be non-contentious is irrelevant. It is not for the Clerk to decide when the statutory obligations of the PC can be set aside. Discretion about whether or not it is necessary to hold an extraordinary meeting, to determine the PC's response, rests with the Chair.



- B. In the matter of PA18/11050 the comments submitted by the PC to the planning department were totally inappropriate and bore no relation to the substance of the application.

"The Parish Council refer to a previous Planning Application relating to the Conversion of the outbuilding to annex and new link to the main house at Orchard House and raise similar objections and observations resulting as they did to a rejection of the original Application. There appears to be no new information to show the connection of the Main House to the Annex and that any walkway link to the main house is unclear. The Parish Council require updated plans ( if available ) as it is unclear how the current Plans differ to an earlier submission. Based on the foregoing, the Parish Council make objections as listed.

The Parish Council do not support this Planning Application."

The original application for this site was for a detached, wooden, self-contained dwelling, remote from the main house and situated some distance to the south of the house. This was refused. PA18/11050 is an application for the development of existing outbuildings to the north of, and attached to, the main house with a clear connection between the two. The application has been approved by the planners despite the PC's objection. At the public meeting of the PC in January the Clerk claimed that the views of the PC were based on the information available at the time and that the decision of the planners was based on subsequent documentation. The public record shows this to be inaccurate. All documents were published on the CC website on 22 November 2018 and they clearly show full details of the development and, in particular, the connection between the main house and the annex. The PC discussed the application at its public meeting on 12th December 2018. There were no further documents relating to this case and the planning officer reached his conclusion based on the information available to the PC. In this matter the Clerk has;

- Misled the PC and the public during the January PC meeting.
- Failed to minute his comments despite the Chair stating that responses to the concerns raised would be minuted.
- Acted in a manner that damages public confidence in the PC.

## Comment

I expect my PC to function at a high standard but I don't expect it to be perfect. Things will go wrong from time to time but it should not be necessary to use the complaints procedure when things do go wrong. Again I note the positive and appropriate action taken by the Chair in his opening comments in January. However, if Councillors or their Clerk do not respond to negative comments or criticism of their actions in a constructive and positive way then the only option is to use the complaints procedure.

Finally, I am surprised that no councillor appears to have expressed concerns about these actions, indeed some have supported the Clerks decision to determine responses to planning applications out of committee. Also, given the expectation that councillors will prepare for meetings by making themselves aware of the issues in advance of the meeting, it is surprising that the glaring inaccuracies in the response to PA18/11050 were not picked up and challenged during the discussion.

I hope that dealing with these complaints will focus councillors' attention on the future governance of the PC. At a time when it is having to deal with highly complex and sensitive issues it is vital that it benefits from the very best guidance and advice from the Clerk lest it faces a legal challenge to its decisions.



The Parish Clerk pointed out that under the Regulations all Planning Applications were listed on the Agenda for discussion by Councillors and Members of the Public and that the comment on the Agenda reflected Approval by the Planning Officer and an historical Approval by the Council of an existing Application.

The complaint in full and all relevant documents have been sent to the SLCC for adjudication.

#### 176 Planning Matters

A To agree the Parish Council's response to Cornwall Council consultations on new planning applications received for the current Agenda.

Application PA18/09456  
 Applicant Mr & Mrs F Oakes  
 Proposal Conversion and extension to existing garage to form a dwelling with variation of condition 2 Decision PA15 / 06010 to allow amendment of the approved plans for a larger dormer and additional roof lights on west elevation, additional dormer on east elevation, doors on south elevation first floor and canopy to the entrance door.  
 Location Bidwell Cottage Botus Fleming Saltash Cornwall  
 Grid reference 240563 / 61317

Cllrs agreed to support the Application and noted the previous Approval by the Council. Proposed Cllr Malcolm, seconded Cllr Edwards (V/Chair). All agreed.

Application PA18 / 09919  
 Applicant Mr Paul Sherwood  
 Proposal Non material amendment for extending the length of the proposed Utility room by approximately 1.4 metres (application number PA17 / 11440 dated 7<sup>th</sup> February 2018 relates )  
 Location Keres House Botus Fleming Saltash Cornwall PL12 6NJ

Cllrs agreed to support the Application and noted the previous Approval by the Council. Proposed Cllr Malcolm, seconded Cllr Edwards (V/Chair). All agreed

Application PA18 / 10005  
 Applicant Mr Nigel Cummings  
 Proposal Change of use of redundant barns to residential dwelling with detached garage.  
 Location Land North East of Rumbullion Farm Hatt Cornwall PL12 6NH  
 Grid Ref. 240382 / 62019

Cllrs agreed to support the Application and Cllr Fletcher particularly thanked the Applicant for a model presentation of a Planning Application. Proposed Cllr Malcolm, seconded Cllr Edwards (V/Chair). All agreed

Application PA18 / 10006  
 Applicant Mr & Mrs J Moss  
 Proposal Construction of Agricultural dwelling with variation of condition 4 of decision PA11 / 02605 dated 10<sup>th</sup> June 2011 to allow occupation of the dwelling by persons not solely or mainly or last working in the locality in agriculture



**176 Planning Matters**

A To agree the Parish Council's response to Cornwall Council consultations on new planning applications received for the current agenda : all Application links  
<http://planning.cornwall.gov.uk/online-applications>

Application PA18 / 09456  
 Proposal Conversion and extension to existing garage to form a dwelling with variation of condition 2 of Decision PA15/06010 to allow amendment of the approved plans for a larger dormer and additional roof lights on west elevation, additional dormer on east elevation, doors on south elevation first floor and canopy to the entrance door.  
 Location Bidwell Cottage Botus Fleming Saltash Cornwall  
 Applicant Mr and Mrs F Oakes  
 Grid Ref. 240563 / 61317

The Parish Council register no objections in respect to PA18 / 09456 and Support the Application.

Application PA18 / 09919  
 Proposal Non material amendment for extending the length of the proposed Utility room by approximately 1.4 metres (application number PA17 / 11440 dated 7<sup>th</sup> February 2018 relates)  
 Location Keres House Botus Fleming Saltash Cornwall PL12 6NJ  
 Applicant Mr Paul Sherwood

The Parish Council register no objections in respect to PA18 / 09919 and Support the Application.

Application PA18 / 10005  
 Proposal Change of use of redundant barns to residential dwelling with detached garage.  
 Location Land North East of Rumbullion Farm Hatt Cornwall PL12 6NH  
 Applicant Mr Nigel Cummings  
 Grid Ref. 240382 / 62019

Application PA18 / 10006  
 Proposal Construction of Agricultural dwelling with variation of condition 4 of decision PA11 / 02605 dated 10<sup>th</sup> June 2011 to allow occupation of the dwelling by persons not solely or mainly or last working in the locality in agriculture.  
 Location Rock Park Ellbridge Lane Hatt Saltash PL12 6PU  
 Applicant Mr & Mrs J Moss

B Planning application received after agenda published – for information only.

C Planning applications approved by Cornwall Council – two

Application PA18 / 09919  
 Proposal Non material amendment for extending the length of the proposed Utility room by approximately 1.4 metres (application number PA17 / 11440 dated 7<sup>th</sup> February 2018 relates)  
 Location Keres House Botus Fleming Saltash Cornwall PL12 6NJ  
 Applicant Mr Paul Sherwood

Decision – Approved

Application PA18 / 09008  
 Proposal Raise existing garage roof to accommodate vehicle hoist  
 Location Oakwell Farm House Botus Fleming Saltash Cornwall PL12 6NJ  
 Applicant Mr Malcomb ( Mr S Malcolm )

Decision – Approved

D Applications closed – none received

# Minutes 28 November '18



## 171 Minutes of the Public meeting

It was resolved to confirm the minutes of the public meeting held on 24<sup>th</sup> October 2018 were a true and accurate record, Proposed Cllr Robinson, Seconded Cllr Fletcher. All agreed.

## 172 Matters arising from the minutes

Councillors considered that there were no matters arising from the minutes 24<sup>th</sup> October 2018, other than Item 179 (E) on the Agenda for 24<sup>th</sup> November 2018 which Cllr Edwards noted should be aligned with Item 162 (F) (a). All agreed.

## 173 Correspondence

A letter of thanks had been sent to the Parish Council by the St. Mary's Churchwarden thanking Councillors for their support at the Commemoration service and for providing poppy displays. Councillors **Resolved** to note.

## 174 Report Cornwall Councillor, Cllr Jesse Foot

Cllr. Foot provided a further update on the 'Safe38' campaign reporting that the MP for S.E. Cornwall had delivered a report to the Transport Minister, and the report was well received. A petition has been launched to support a proposal duelling of the A38 between Saltash and Trerulefoot, backed by Cornwall Council, and this would be considered in 18 months time. A reminder was given for the next Gateway CNP meeting in Saltash 4<sup>th</sup> December 2018. Cllr. Foot reported that the Cabinet at Cornwall Council were due to review the 'walk to school' policy. Cllr. Malcolm advised the meeting that there was an increasing need to provide a school bus in the Community and asked whether Botus Fleming Parish Council would be entitled to run a school bus service with the aid of Cornwall Council funding included with the Precept. Cllr. Foot stated that a response would be sought, but considered that it would probably be permissible to run a school bus, but that funding would be doubtful. The report on Cornwall Council Budgets suggested a 3.9% increase on Council Tax.

## 175 Finance

### A Accounts for Payment

It was **Resolved** to approve the payments schedule. Proposed Cllr White, seconded Cllr Malcolm. All agreed

### B Bank receipts for information

Bank receipts were noted.

### C Bank reconciliation

At the close of Business on 28<sup>th</sup> November 2018, the Parish Council held £25,808.25 in it's combined accounts with Lloyds. Earmarked funding amounts and reserves were identified as £5,033.54. Councillors **Resolved** to note the amounts.

The Parish Clerk advised the Public Meeting that a complaint had been received from a resident alleging that the Clerk and the Parish Council were pre-empting Planning Approval decisions in connection with PA18/09456 and PA18/09919 previously discussed and approved under PA15/06010 and PA17/11440 and now listed as non material amendments and variation.

NOV '18.

NOTE FROM VULIE LATTER AT SLCC

Contrast Model

It was a written exercise in the Planning Office

I appeared the usual process but in this instance I used my professional judgement & felt given the minor nature of the application it was unnecessary to put an extraordinary meeting. ~~was~~ to call in the appropriate <sup>Planning Office</sup> personnel.

SLCC NSC. notes. Payables  
Staff checks

COMPLAINT ④

botusfleming clerk

From: [REDACTED]  
Sent: 28 November 2018 17:13  
To: botusfleming clerk  
Subject: Re: FOI request

Chris

I'm sorry but your explanation is an admission that you have not followed regulations and your justification is that the planning issues are trivial. The rules are clear and only exceptions are when it is not in the public interest to act openly. It is the duty of the Clerk to advise the members about correct procedure. If Members knowingly colluded with subverting the rules and making a decision, no matter how trivial, without proper notice and in private, then they are guilty of gross misconduct and of predetermining their views as they are not based on open discussion with an opportunity for the public to comment. This whole episode shows the PC in a very poor light and brings it into disrepute.

I have never known a situation like this in the past. When impossible timescales have been set then the Clerk has requested an extension. If that is not granted then there are only two options, call an extraordinary PC meeting following the standard rules or inform CC that the PC cannot respond within the given timescale.

I don't know how you can resolve the situation but I would suggest that an admission and robust public apology might deflect an official complaint.



On 28 Nov 2018, at 10:16, botusfleming clerk <[clerk@botusfleming.org.uk](mailto:clerk@botusfleming.org.uk)> wrote:

Hello, [REDACTED]

Thank you for your enquiry regarding the Planning Applications for Keres House & Bidwell Cottage. The timing of the Parish Council receiving and providing comments over these Applications have been unusual and unlikely to occur again. Planning matters are always made in public and any objections can still be made (by Councillors or residents) and will be recorded despite Planning already having Approved the Applications.

I also appreciate that one simple line indicating Approval of the Applications has drawn your attention and comments.

I have been open and transparent in putting the Applications on the Agenda even though they are recorded as new and also recorded as Approved, as that is actually what has happened, despite me requesting extension times. Potentially I could have put my head in the sand and not mentioned the Approved applications and no one would have been any the wiser until perhaps

29/11/2018

three to four months down the line when someone says 'certain Applications have been approved and the Parish Council have NOT made a comment - what's going on.

The solution to the current Parish Council situation, I suggest, would be to reflect the Town Council situation over Planning matters and meet every two weeks in order to capture all the information. For the purposes of the two Applications in question I forwarded the new Applications to all Councillors via email a) as information, and b) as a warning so that Councillors are not caught cold on the evening of the meeting in order to provide a response. I think also that the content of the development in each of the Applications needs to be born in mind in that quoting Planning 'they would be approved without conditions'. Arguably the Bidwell Cottage development is long overdue and would be seen by the Community as an improvement.

As you know [REDACTED] the Ops meeting does not have an Agenda, nothing is recorded or decided upon pre Public Meeting. At this moment in time the Budget / Precept has been a priority. This reflects the fact that the previous Clerk did not attend Ops meetings, but I do. Other than that, there is no alteration to the way in which the Ops meetings are conducted.

As I understand it, no information can be supplied under FOI as the information which you are seeking has not yet actually occurred. Therefore nothing is lodged on the website.

I hope you agree that the information and explanation of procedure provided above reflects the substance of your FOI request, and I can expand upon this at the Meeting this evening if you are attending.

Best wishes

Christopher Cook  
Parish Clerk & Responsible Financial Officer  
Botus Fleming Parish Council

24 Rashleigh Avenue  
Saltash, Cornwall  
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**BOTUS FLEMING PARISH COUNCIL**

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-----Original Message-----

From: [REDACTED]  
Sent: 28 November 2018 08:56  
To: clerk@botusfleming.org.uk  
Subject: FOI request

Chris

I seem to have missed something. The agenda for tonight's meeting would suggest that there has been an extra PC meeting to discuss planning applications. I have not seen any publicity about this and there are no records on the PC website. So, under the Freedom of Information legislation, please let me have copies of:

- 1) The notice advertising the meeting
- 2) The agenda for the meeting
- 3) The minutes of the meeting.

To avoid printing costs electronic copies will suffice.

I am sure you will agree that failure to act in an open and transparent way will erode public confidence in the PC and will make any decisions made in secret liable to a legal challenge. It also exposes the PC to the risk of complaint.

Sincerely

[REDACTED]