



## BOTUS FLEMING PARISH COUNCIL – LATEST COMPLAINTS

16<sup>th</sup> October 2019

### PART I

This is Botus Fleming Parish Council's (BFPC) response to a resident's latest series of complaints.

There are two documents that have been supplied by the resident (henceforth known as "the complainant").

The documents are entitled "Notes for meeting with Merv" and "Latest Issues of Concern".

BFPC have carefully considered all of the points raised in both documents.

The documents make several observations and comments with regards to the draft Parish Plan.

The complainant's observations with regards to the draft Parish Plan will be discussed in **Part II** of this report.

There are also a number of other complaints.

***Item (1) The agenda of the meeting dated 21<sup>st</sup> August 2019 was not issued within the statutory notice period.***

Planning applications are issued and passed to the Parish Council on a Thursday, and it is always prudent to wait before publishing BFPC's agenda.

On this occasion due to a Bank Holiday on Monday 26<sup>th</sup> August 2019 which was not taken into account, BFPC's agenda was made available one day short of the statutory specified time frame.

We note the comment and will resolve to avoid the situation in the future.

***Item (2) No proper response to my previous complaint. No evidence that it was investigated.***

The complaint was fully investigated and the response was covered during the BFPC Public Meeting dated Wednesday 27<sup>th</sup> February 2019 and a full transcript of both the Clerk's and Councillor's responses were immediately uploaded and can be found under Reports on the Parish Council website.

***Item (3) No proper Annual Parish Meeting. Clerk referred to PC Public Meeting as Annual Parish Meeting.***

BFPC held two separate meetings this year, as suggested by the guidance.

Previous administrations' meetings were held on the same evening.

***Item (4) Revising agenda during statutory notice period (22 July for 24 July meeting).***

Revising the agenda during the statutory notice period was a minor insertion that BFPC believed was necessary to allow parish business to proceed.

***Item (5) Despite a specific written question the PC has failed to confirm if it has declared a Climate Emergency. There is nothing in the PC minutes to confirm that it has. If it ain't minuted, it didn't happen.***

This is an extract from BFPC Public Meeting dated Wednesday 22nd May 2019.

**G** Cllr Dave Edwards (Vice Chair) – Climate change emergency Cllr Edwards (Vice Chair) advised Councillors that the Climate change emergency issue had been introduced at the last CNP meeting, which encouraged Town and Parish Councils to declare a climate change emergency and to seek Forums for interest and Community involvement. The climate change aspect had been included in the recent Newsletter as part of Community engagement and it was hoped that this would generate further interest. It was considered that Botus Fleming Parish Council participate in the project. Cllr Edwards (Vice Chair) proposed, Cllr Fletcher seconded. Councillors Resolved to support a Forum for climate change. All agreed.

BFPC concur that this minute is possibly inaccurately minuted or worded incorrectly. BFPC declared it publicly during the meeting and then voted unanimously for a Climate Emergency, included it in the Parish Newsletter, arranged a presentation for the parish on a Climate Emergency and then advocated and assisted in the forming of a Climate Emergency Group (now known as BOTHER – Botus Fleming & Hatt Environmental Response Group). The complainant should also be aware that the unapproved minutes of 25<sup>th</sup> September 2019 show that BFPC formally declared a Climate Emergency.

***Item (6) Is it really acceptable for the PC to accept a cash donation from a business that is in the middle of a series of planning applications?***

BFPC notes that the complainant infers, but does not directly accuse the Parish Council of impropriety. One of BFPC's projects is to install substantial playground equipment for the children and young people of our community. We hope to raise the money through various sponsorship and donations together with funds from the Parish Council. The Cardinals Hatt recently held an event at their premises where £500 was raised in support of the purchase

of the playground equipment. At some stage the money raised will be realised and then utilised with other funds to make the purchase.

**Item (7) While pointing out the apparent incompetence of the PC in matters of governance, I do recognise that some councillors play an active part in the community over and above their statutory roles and this is laudable. However, unless the PC is run to the highest levels of probity and governance it will not enjoy the confidence of the parishioners. Looking at politics nationally and abroad it might appear that chaos and shambles are the norm. I hope that BFPC will strive to higher standards – as detailed in the Parish Plan.**

BFPC do not agree that they are incompetent and find the allegation insulting.

BFPC will always seek to run to the highest levels of probity and governance.

However, we all realise that we are only human beings and are not infallible.

Any mistakes are made honestly, and we as Parish Councillors endeavour to learn from them and try not to repeat them.

We are amateurs working to the best of our abilities and strive to improve our knowledge at every opportunity.

Working as a local councillor is a completely voluntary role. The National Association of Local Councils' (NALC) local councillor census survey states that councillors spend on average about three hours a week on council work.

Obviously there are some councillors who spend considerably more time than this, and BFPC work hard to make our community a better and safer place to live.

BFPC will always strive to higher standards, not as detailed in the draft Parish Plan, but as set out in the Code of Conduct for Councillors under the requirements of the Localism Act 2011

**Item (8) Typing errors and audit and accountability.**

BFPC note the observations with regards to spelling errors and audit and accountability.

## **PART II**

In response to the complainant's latest complaint with regards to the adoption of the draft Parish Plan, BFPC make the following observations.

The complainant has reproduced an extract from April 2018's PC minutes -

### **56 B Cllr Trevor Aughey**

*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.*

The complainant then maintains that the clerk committed a clerical error and substituted the words create and adopt.

BFPC believe that this is very convenient and would in a very small way support their argument.

BFPC has no recollection of the word 'adopt' being used and believe the word 'create' was correct.

The current draft Parish Plan in the documents list of BFPC's website is dated May 2018 so could not have been 'adopted' in April 2018.

BFPC's minutes of May 2018 also support that it was a draft Parish Plan.

*71 Neighbourhood Plan Update [www.botusflemingandhattndp.com](http://www.botusflemingandhattndp.com)  
Councillors RESOLVED to submit the draft NDP to Cornwall Council, and to include the **draft Parish Plan** within the six-week consultation period. Proposed Cllr Aughey. Seconded Cllr Morgan.*

**NO COMMENT ON VOTING**

BFPC's minutes of June 2018 also reflect that the Parish Plan was not complete or ready for adoption.

### **87 Neighbourhood Plan Update**

*Cllr Aughey reported that following discussions with Cornwall Council,*

*the draft NDP had been edited to remove topics that were not of direct relevance. Given that there had been support from residents for these*

topics, Cllr Aughey proposed to incorporate the points into a **new Parish Plan** (see Item 88B below). Cllr Ellis thanked Cllr Aughey and his team for their hard work in bringing the NDP close to conclusion.

BFPC's minutes of September 2018 again reflect the fact that the Parish Plan was not complete or ready for adoption, or indeed 'may be affected from the result of the NDP outcome'.

### **137 Neighbourhood Plan Update**

*Cllr Aughey advised members that the HRA & SEA screening opinion had been received.*

*Cornwall Council are to make further comments in respect to the Strategic Environmental Assessment being completed.*

*The Parish Council will be advised from Cornwall Council of these findings.*

*Original response time 17th September 2018 now lapsed.*

**The Parish Plan may be affected from the result of the NDP outcome.**

*All Councillors Resolved to note this action.*

BFPC's minutes of October 2018 again reflect the fact that the Parish Plan was not complete or ready for adoption, or indeed 'the Assessments require further scrutiny, particularly the Natural England response, and this would include addressing any impact to the local Parish Plan.

### **159 Neighbourhood Plan Update**

*Cllr Fletcher advised members that the HRA & SEA screening opinion had been received from Cornwall Council. **The Assessments require further scrutiny, particularly the Natural England response, and this would include addressing any impact to the local Parish Plan.***

*All Councillors Resolved to note and agreed that Cllr Fletcher would be the appointed Parish Councillor to report on NDP updates in the future. Cllr Fletcher is due to meet the Development Officer 14th November 2018.*

The PC minutes of August 2019 reflect that the Parish Plan was not complete and would need revising.

### **339 Neighbourhood Development Plan (NDP)**

*Cllr Edwards (Vice Chair) advised that there was no report and that a full review of the NDP would take place during 2020.*

*Cllr Ellis (Chair) reminded Councillors that the **draft Parish Plan dated 2018** was due for review.*

*Cllr Robinson questioned whether **the current Plan should be adopted or redrafted** and proposed that Councillors vote on this aspect. This proposal was seconded by Cllr Smith.*

***In Favour of adopting the draft Parish Plan 0***

***Against the adoption of the draft Parish Plan 6***

***Abstentions 0***

***Councillors Resolved not to support adopting the draft Parish Plan. All agreed.***

## **CONCLUSION**

BFPC suggest that there is ample and conclusive evidence that the current draft Parish Plan is exactly that, a draft and has never been formally recognised, sanctioned or adopted by Botus Fleming Parish Council.

In our opinion the draft Parish Plan does not 'define a clear way forward for the parish'.

Biodiversity, sustainability and the Climate Emergency must now take precedence in any Parish Plan and be fully explored and discussed.

We partially agree with the resident that 'it would seem sensible to produce a new PP', but take exception with the word 'new'. It was only ever and still is a draft Parish Plan.

We do not agree with 'to produce a new PP before discarding the old one'.

The 'old one' was only ever a draft Parish Plan and will not be discarded.

Much of the information contained in the draft Parish Plan will be utilised in an improved, inclusive and attractive Parish Plan.

The resident then states that they would 'never try to compare myself with Barack Obama'.

We believe that this could appear to be a rather perverse statement or observation.

The resident then states 'but I do feel there is some very Trumpian activity going on that is trying to undermine the developments that I contributed when on the PC'.

Again we believe that this is a strange statement or observation.

There are various definitions of the word Trumpian.

It is an adjective form for President Donald Trump. The term is especially used by critics to characterise his language, conduct and policies. It is often used to mean a uneducated/undereducated opinion that may be arrogant and narcissistic and racist, sexist, xenophobic or contain other close-minded thinking.

We don't believe that Botus Fleming Parish Council demonstrate any "Trumpian activity", find the allegation insulting and completely reject the statement.

BFPC reject that the accusation that we are 'trying to undermine the developments that I contributed when on the PC'.

BFPC are aware that Parish Councillors throughout the history of our Parish Council have all made valuable contributions to our community and BFPC would be foolish to undermine or diminish any of their achievements.

We also completely reject the statement 'I hope that you do not get drawn into any such action and will put the interests of the parishioners first'.

BFPC's entire *raison d'être* are the interests of our parishioners at all times.

BFPC believe that they have spent an inordinate amount of time dealing with the complainant's allegations, accusations and contemptuous and disparaging observations.

BFPC believe that the latest complaints are another attempt at undermining Botus Fleming Parish Council and distracting us all from important work, projects and activities in our community.

BFPC believe that they have dealt with the complainant's issues and do not intend to enter into any further correspondence, which contain repetitive or variants of any of the previous allegations, accusations or observations.

BFPC are hopeful that we can now draw a line under all of their grievances.

BFPC have a Vexatious Correspondence and Complaints Policy.

BFPC believe that the complainant qualifies and falls within the definition of a Vexatious Complainant.

For completeness the policy states, "a small percentage of people will correspond with, or complain to, the Botus Fleming Parish Council in a way that could reasonably be described as obsessive, harassing or repetitious."

This correspondence from a minority of individuals takes up a disproportionate amount of resource and can result in unacceptable stress for the Clerk and Councillors.

This procedure is designed to address vexatious correspondence and complaints. It should assist the Council to manage inappropriately demanding or unreasonable behaviour from vexatious correspondents.

It is important that the use of this procedure does not prevent people from accessing services to which they have a statutory entitlement, and it is designed to ensure that the rights of service users are protected, while ensuring that scarce resources are used fairly and effectively, and that the Clerk and Councillors receive a reasonable degree of protection from the stress that can be caused by vexatious correspondence and complaints”.

BFPC sincerely hope that we can avoid the situation where we make the complainant a vexatious complainant.

Yours sincerely

Botus Fleming Parish Council

(IN ALPHABETICAL ORDER)

Cllr Dave EDWARDS

Cllr Mervyn ELLIS

Cllr Malcolm FLETCHER

Cllr Julian OAKES

Cllr John ROBINSON

Cllr Alex SMITH

Cllr Sally WHITE

Cllr Dave WILLEY