

# Botus Fleming Parish Council

www.botusfleming.org.uk



## 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: Wednesday 23<sup>rd</sup> September 2020

Time: 6.00pm

Location: Virtual Meeting by remote access Microsoft Teams

### To : Chairman & Sub Committee Councillors

Chairman (Sub Committee) D Willey  
J Oakes, J Robinson

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

Chairman D Edwards  
M Ellis, M Fletcher, 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> September 2020

*Christopher Cook*

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**

**6.00pm – Item 36 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 | 23 September 2020

### **35/2020 Chair's Welcome & Announcements**

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

### **36 Public participation**

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

### **38 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.

### **39 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))**

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

### **41 Correspondence**

(1) Dear Councillor Willey

11<sup>th</sup> August 2020

I acknowledge receipt of your letter of June 2020 and note that you have conditionally removed the status of "vexatious" before the stated twelve month review period. Just as no reasons were given for imposing this sanction, none have been given for this reversal. Given the PC's duty of openness, transparency and accountability I feel that I am entitled to an explanation.

I was disappointed to see that the minutes of your sub-committee (sic) state that no communication had been received. This is simply not true. I wrote to you in 15<sup>th</sup> March 2020 and you

acknowledged receipt of my letter. I then replied reminding you of the requirement to convene a meeting to discuss my letter. I now expect my letter to be included under correspondence at the August PC meeting and published with the agenda. Please confirm that this will happen.

Also, can you explain the following. The PC failed to respond to an emailed letter from a previous chairman stating that it was PC policy to ignore correspondence that did not include a postal address. This same PC treated my totally unattributable notes as an official complaint. How can such double standards be possible?

Your letter refers to monitoring and review. These are essential processes that all organisations should embrace. I would recommend that the PC uses these processes to monitor its own actions as it continues to have little apparent regard for proper governance. A good starting point would be to review the PC's adherence to Standing Orders Section 10 as non-adherence renders any subsequent resolution unlawful. You might also like to review the decisions relating to the maintenance of the roundabout as these were made, not only without regard to Standing Orders Section 10, but without any formal resolutions by the PC, making the decisions and subsequent actions unlawful.

Yours sincerely

(2) Dear Cllr Willey

Thank you for your letter of 17th March. I entirely agree with your observation that the decision of BFPC still stands and recognise that this will be the case until either the PC revokes the decision or a it determined by a court to be void.

You make reference to compliance and the system that would be adopted in order to deal with further correspondence. As my letter raised further issues relating to unlawful actions and unfairness the PC should comply with the terms of BFPC's Vexatious correspondence and complaints policy:

"4.2 Any future correspondence should be passed to the sub-committee for consideration."

I recognise that, because of Covid-19, it is unlikely that this sub-committee can meet in the foreseeable future and am prepared to be patient. However, there are some other matters that impinge on this course of action. The first is summed up by the Clerk, Mr Cook, in the minutes of the June 2018 meeting. The relevant discussion document is appended.

"The Clerk pointed out that these groups did not represent a Sub-Committee as no Committee actually existed."

Unfortunately BFPC has not learned from this error and has again created an unlawful sub-committee which is not subservient to a committee of the PC. The matter is covered by section 05 of BFPC's Standing Orders. Moreover, the Council and its committees should not exclude the press and public from a meeting unless matters to be discussed are of confidential or sensitive information which is prejudicial to the public interest. Therefore, the previous meeting was unlawful and any future discussions should be held in a public meeting. I will be attending any such meeting.

Your comments about my compliance with your direction are misguided. The PC can resolve to nominate a single point of contact, and use this when it wishes to have contact with me. It has no legal power to direct the actions of any of its parishioners. In particular it has no authority to curtail the civil liberties and democratic rights of any individual. By writing to me it is you who is not complying with your own direction.

I have just looked back at my first email to the Chair highlighting governance issues. Two points in this email stand out as reflecting my motivation for writing and my advice to the Chair.

"At this time, when we could be embarking on actions that could have a profound impact on the future of the parish, it is essential that The PC are squeaky clean and do not create opportunities for legal challenges of their decisions because of poor procedure."

"I suggest that you seek clarification from CALC". (Full email available on request)

My motivation has remained constant since then and my intention has always been to steer the PC away from actions that would undermine its proper functioning and expose it to legal challenges, not "an attempt at undermining the Parish Council and distracting them from important work, projects and activities in our community" as you have accused me. Support from CALC is available, not just to the Clerk and officers of the PC, but to individual councillors. Given the continuing poor governance by BFPC as evidenced by your letter plus the issues raised in my last letter, councillors would be well advised to take advantage of this service.

<committees.docx>

<17 March Willey.pdf>

**42 Review of Correspondence**

Response sent to vexatious complainant 26<sup>th</sup> August 2020 (redacted version)  
See website [www.botusfleming.org.uk](http://www.botusfleming.org.uk)

**43 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.

**44 To consider a Complainant's Case**

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

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

**46 Matters for information purposes only**

**47 Date of next meeting.**

The Date of the next meeting – to be confirmed

**48 End of meeting**