

WENDOVER PARISH COUNCIL

Minutes of the Complaints Committee Meeting 14th June 2022 at 7:00pm

Present: Councillors Robert Goodall (Chair) Jennifer Ballantine, Ruth Malleson, Mark Standen, Diane Washington.

Clerk: Lynda Baker

Members of Public: The Complainant, The Complainants Representative and one member of the public.

1. ELECTION OF CHAIR FOR MEETING HELD ON 14th JUNE 2022

C22/01 Councillor Goodall was proposed for Chair by Councillor Ballantine. This was seconded by Councillor Washington. It was unanimously **RESOLVED** for Councillor Goodall to Chair the one-off meeting on Tuesday 14th June 2022. Councillor Goodall verbally itemised the agenda and apologised to the member of the public who was there to say that part of the meeting would be held as confidential. This was challenged by the Complainant who advised that mistake had been made in issuing the meeting agenda, whereby the hearing of the complaint was automatically assumed to be heard in a confidential session. He stated that this would need to have been passed by a resolution, which can only be passed by Full Council, which had not occurred, or had not been minuted as such. The Clerk advised that that this was following arrangements from previous meetings where updates about the complaint had been heard by Councillors in confidential session. This was debated for several minutes by Councillors, the Complainant, and the Complainants Representative. The debate included whether the meeting should be cancelled and reconvened at a later date.

C22/02 It was the view of the Complainant that Complaint Hearings should only be held in a confidential setting as last resort. The Complainant stated that in his opinion, the Council should recognise what it has done wrong and accept that it was poorly advised in the past, but there was hope that perhaps with a new Clerk in place things will be more robust going forwards. A short discussion was held between Committee members to decide whether the meeting should go ahead in public, resulting in the one member of the public in attendance remaining throughout the duration of the meeting. It was **NOTED** that the Complainant said he knew of other members of the public that wanted to come to the meeting and were not at the meeting as it had been published that the complaint would be heard under Confidential Items. The Chair **RESPONDED** and said that lessons were being learned from this process. It was **AGREED / RESOLVED** by the committee and the Complainant that the meeting would now go ahead in public.

2. APOLOGIES FOR ABSENCE

C22/03 There were no apologies for absence.

3. DECLARATIONS OF INTEREST

C22/04 There were no declarations of Interest.

4. PUBLIC PARTICIPATION

C22/05 It was commented that this evening was felt to be a low point of Wendover Parish Council history and by their recollection nothing like this has happened in the last 10/ 15 years. It was their view that the Council and Councillors need to think carefully about the shift away from a rules-based system.

5. CONFIDENTIAL ITEMS

The Public Bodies (Admission to Meetings) Act 1960 makes provision for excluding the public by resolution when confidential business is being considered or there are other special reasons and publicity would be prejudicial to the public interest.

C22/06 The Chair acknowledged that this is where the meeting would have moved into confidential session but was now to happen in public. This was **AGREED / RESOLVED** by all of the Committee. Councillors Ballantine and Malleon both pointed out the Council want to resolve the complaint situation as soon as possible.

(i) The Chair of The Complaint Committee will explain the procedure including timings.

C22/ 07 The Chair outlined the proceedings as per the agenda and offered a time of 15 minutes for the Complainant to raise their complaints. The Complainant and the Respondent agreed to these times.

(ii) To note the original complaint dated 02 February 2022 and further complaints dated 15 February 2022 and 02 March 2022.

C22/08 The Complainant stated that he was concerned about the amount of time this complaint had taken to be heard. The Complainant suggested a Complaints Committee should meet on a regular basis. The Chair **RESPONDED** that the delay from the Complainants letter dated 4th March 2022 was due in part, to the Complainant being out of the UK for several weeks. The Chair advised that when appropriate, that Parish Council's Complaints Procedure will be reviewed by full council including a permanently running Complaints Committee. This was **NOTED**.

C22/09 Regarding this meeting's agenda item being listed under Confidential, this was **NOTED** so that it should also be considered in future. The Complainant said that the Parish Council did not produce a Complaints Timeline Document, and this was accepted by the new Clerk that a Timeline Document was not done on this occasion, and it was **NOTED** to be considered as an inclusion to any revised Complaints Policy procedure in addition to just a Complaints Pack that was submitted on this occasion.

(iii) To note the response from the Clerk dated 4th March 2022.

C22/10 The Complaint is being heard at the request of the Complainant as the letter from Wendover Parish Council to the Complainant dated 4th March 2022 was considered by the Complainant to be unsatisfactory.

(iv) Complainant to outline grounds and basis of complaint(s).

As per C22/07 above 15 minutes time allotted.

C22/11 The Complainant outlined his complaint. The Complainant advised that his complaint was regarding a sum of £1,250.00 (One thousand two hundred and fifty pounds) which he believe was allocated outside of the Wendover Parish Council Policy and Procedure for Awarding Grants & Donations. The Complainant stated that grants made by the council had been made out of sequence to two other Wendover organisations / and outside the General Power of Competence of the Parish Council. In total over a period of several weeks the Complainant made six different complaints to the council concerning how the £1,250.00 was approved and how the council handled the six complaints raised. The Complainant was also concerned about an Extra-Ordinary Parish Council Meeting held on 17th January 2022 which called to discuss a funding request of £3,000.00 (Three thousand pounds) to a HS2 Wendover Group. The Complainant was concerned about the timing of this request and how the council would manage the VAT. element.

C22/12 Regarding the £1,250.00 the Complainant recognised that the lobbying work for which Wendover Parish Council paid the money for, was not completed and (later in 2022) the money was returned to Wendover Parish Council in full. However, the Complainant felt that the Parish Council did not have a clear enough idea how or when the money would be returned to them.

C22/13 The Complainant also voiced concern that the Complaints Pack did not include all the information pertaining to the complaint and that some information marked Private & Confidential had been redacted.

C22/14 At the Parish Council meeting on 1st February 2022 the Complainant believes that two members of the Parish Council had, in the Complainant's words, conspired to bounce the Council into a confidential session when there was no Confidential Item on the published agenda. The Complainant believes that there was an informal discussion and that the Clerk acted upon the decision.

C22/15 On 2nd February 2022, the day after the Full Parish Council Meeting, the Complainant states that Wendover Parish Council held an informal confidential meeting, which was not in agreement with the Standing Orders. The Complainant believes there has been multiple instances of wilful disregard for both the Parish Council's Policy and Procedures for Awarding Grants Procedure and the Parish Council's Standing Orders.

C22/16 The Complainant bought along a Representative who was allowed to sit next to them. At one point during proceedings the Representative wanted to speak but the Chair disallowed this request as there was no provision for this within the Complaints Procedure.

(v) Response to Councils' position by Chair of Wendover Parish Council and / or Clerk.

C22/17 In response, a Representative of Wendover Parish Council (known here as the Respondent) agreed that the Parish Council had not requested the Wendover HS2 Group submit a formal grant request. This was because the council has an Earmarked Reserve (EMR) for HS2 Research and that in order to allocate funds from this reserve, the more formal grant process is not required. The Respondent reminded the Complainant that the two other Wendover Organisations referred to in C22/11 were not part of the complaint raised but that over the years other organisations had also received sums from an EMR.

C22/18 The Respondent advised that on 1st February 2022 a short discussion took place at the end of the meeting which was not on the agenda and was not minuted. The discussion was whether the Wendover Parish Council HS2 Working Group and another Wendover HS2 Group should consider getting together to promote a more united front. It was suggested that a meeting should not be progressed, but two more Councillors should be added to the Parish Council Working Group to promote diversity of thought.

C22/19 The Respondent stated that they did not consider the short discussion to be of confidential nature or part of a formal council meeting and therefore they did not need to note or minute this discussion. The Respondent stated that the Council would endeavour to give more notice but that sometimes this was quite difficult.

C22/20 Concerning the discussion held on 1st February 2022, The Respondent stated they did not consider this to be a formal meeting it was a brief discussion to discuss an impasse that they felt the Parish Council HS2 Working Group had reached.

C22/21 Regarding the Grants Procedure the Respondent said that the amount of £1,250.00 was not considered to be a formal grant. However it was acknowledged that the Council needed to be careful with terminology and the use of this phrase in an email by a member of council staff was unfortunate.

C22/22 On 2nd February 2022 a member of council staff sent an email to members of the Parish Council HS2 Working Group and the members of another Wendover HS2 Group to invite everyone to a meeting to discuss the future of the Wendover Parish Council HS2 Working Group. The meeting was to be held at 10:00 on Thursday 3rd February 2022 in the Library. It was acknowledged by the Respondent that the member of staff should not have sent the email and in fact it should have been sent by the Respondent but who was busy at the time. Also the member of staff stated in the email that 'The Council would like to invite you....' This was again an unfortunate mistake as the invite was not in fact from the Council but from the Parish Council HS2 Working Group.

C22/23 The Complainant stated that in his view the previous complaint was the first complaint and that he would like to outline their second complaint. He stated that in terms of his second complaint, he outlined that "Standing Orders had been ridden roughshod over" and referenced again 'The Council would like to invite you'. There was no resolution to hold a confidential session and not enough notice for the meeting was given. The Complainant felt that a member of the Council had sprung a decision on the council and showed multiple instances disregard for the Standing Orders.

(vi) Questions by Complainant and Members.

C22/24 The member of the public wished to speak but the Chair disallowed this on the basis that the Complainants Representative had also been disallowed previously (See C22/16) for similar reasons. No further questions were asked.

(vii) Summary of Position by The Chair.

C22/25 The Chair summarised the position of both Complainant and the Respondent and said that the comments made about how the processes and procedures had been followed in the past needed to be closely looked at. The Chair added that the Councillors, whilst holders of public office, give up their time voluntarily, many of whom are new to their posts and who are learning all the time. There had been a change in Clerk recently and that moving forwards the Council would undertake their best endeavours to follow the Standing Orders. The Chair said that in part there was some valid criticism from the Complainant around how the Council had performed in its actions, but there was hope that the Council and the public could move forward positively and together from this point. The Chair thanked the Complainant for keeping a keen, watchful eye on the Council and the way it performs its duties.

(viii) Summary of Position by Complainant.

C22/26 The Complainant said that the Standing Orders had been ignored on an industrial scale and that he had bent over backwards to point this out. The Complainant stated he had been unfairly treated because the full discovery process was not available. He will consider legal advice.

(ix) Decision Outcome Timelines.

C22/27 The Chair asked The Complainant what he thought success looked like. The Complainants response included a better Council in general, a Council with responsibility to learn and, to uphold the complaint.

C22/28 The Chair consulted with other members of the Committee, and it was **AGREED** that the Outcome Timeline would be by close of business on Thursday 23/06/2022 meaning in 7 working days' time. The member of the public, the Complainant and the Complainants Representative, and the Respondent then left the meeting. The committee then spent a few minutes discussing a response.

6. CLOSURE OF MEETING

C22/29 As all business was transacted the meeting was closed at 8:35 pm

Signed by
Chair of Complaints Committee

Date: