

WESTERLEIGH PARISH COUNCIL
MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL
29TH JUNE 2015
MANOR HALL

PRESENT

Councillors: J Butler, A Fay, D Boulton, B Taylor, M Crumpton, G Jancey, S Blackmore, A Gibbs
Officer: F Thornton

1821. Apologies for absence

Cllr C Nicholls

1822. Declarations of Interest under The Localism Act 2011

None

Prior to the start of discussions regarding agenda items, the Clerk made available to all councillors a copy email from Mr C Procter responding to these matters.

1823. Confirm the democratic appointment of Cllr Jancey

The Chair confirmed that the appointment was made at the AGM of Council on 18th May 2015 and is recorded in the minutes.

Decision: Council noted

1824. Confirm the rejection of Cllr Jancey by the trust

The Chair of the Manor Hall Trustees sent a letter to Cllr Jancey on 15th June 2015 (the chair of this Council read the letter to the room).

The letter outlined the procedures necessary to take up this appointment as role of trustee.

It further acknowledged that this appointment was made by this council; but the Manor Hall trustees have challenged this appointment and have therefore reported this matter to SGC Standards Board.

They are therefore currently unwilling to accept the appointment until the outcome of the SGC monitoring officer investigation is known.

[The Manor Hall trustees position is that the process of the appointment of Cllr Jancey by the parish council is flawed as another council member took part in the voting process when, they believe, they should have declared a pecuniary interest and took no further part in proceedings. The Trustees also believe that Cllr Jancey has a conflict of interest and should also have declared an interest.]

Decision: Council noted.

1825. Confirm the chairs supporting email

The Chair advised that (following receipt of a copy letter referred to minute item 1824) he had sent an email personally supporting the appointment. The Chair pointed out [to council] that this was his personal opinion, and that in his view he did not feel there was a conflict of interest or loyalty.

Cllr Jancey handed the Chair a copy email from Cllr Butler which stated that the Chair [of this council] made it clear that the parish council has no power in this matter, it lies with the Standards Board and the Trustees.

Cllr Jancey disagreed with the procedures [necessary to take up the role of trustee] and advised that he did not see the need to complete an application form, rather he had completed his declaration of office which was offered at the trustees meeting held on 16th June 2015. Cllr Butler was unaware of this. Cllr Jancey challenged this comment as he had sent an email to this effect on the day of the meeting, the email also requested her support as vice chair as the chair was unable to attend the trustees meeting of the 16th June 2015. [It had been stated at the council meeting of the 15th June 2015 that the minute book could be signed]. Cllr Butler stated she had not received such an email.

Cllr Butler clarified the position of the trustees in that Cllr Jancey was unable to take up his position as

- a) The trustees are unwilling to accept him until the Standards Board have completed their investigation
- b) All the necessary forms are completed (as with all other trustees).
- c) She supported her position by saying she had tried to persuade the other trustees to accept the appointment of Cllr Jancey on 16th June 2015 (and even before the meeting of the 15th)

[To date Cllr Jancey has completed his declaration of office but has not completed an application form].

Cllr Butler advised that the application form had not been in existence for that long. Part of their [trustees] review of procedures had produced the application form.

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Cllr Crumpton advised that the governing document of the Manor Hall does not list an investigation to the Standards Board as a disqualification. It also does not list an application form [This is the governing document lodged with the Charity Commission].
Cllr Butler reiterated the Trustees position in that they are not happy with the manner in which the appointment was made.

Cllr Jancey pointed out that the complaint to the Standards Board had been made by Mrs P Hill and questioned whether this was a personal complaint.
Cllr Butler advised it was on behalf of the trustees.
[The chair of the Trustees advised Cllr Jancey of this matter in the letter referred to in minute item 1824.]

Decision: Council noted.

1826. Confirm the charities commission doc cc30 sec 6 – and also the confirmation by the commission we received today via a telephone conversation with them that this is fact

Section 6 refers to the appointment of trustees.
Both Cllrs Jancey and Butler referred to section 6.1

Cllr Crumpton advised that she had spoken with the Charity Commission who had advised they were surprised his appointment had not been filled.

Decision: Council noted.

1827. Confirm the Cllr Butler stance made in the 16th and her obvious interest regarding the position of the trust rather than the parish council

Cllr Butler agreed that Cllr Jancey had been appointed by this Council but again reiterated that the Trustees have a problem with the process of appointment and are therefore awaiting the outcome of the Standards Board findings.

Cllr Crumpton stated she found it bizarre that if this was the case then why had they not come back to the council with their concerns regarding this matter.

The Chair of the Trustees advised the meeting that she had written a private letter to the Chair and Clerk regarding this matter.
The Clerk stated that any advice given would have been that the only redress of a Councillor is through the Standards Board and that councillor conduct is not a matter for the Clerk.

Cllr Crumpton reverted back to previous discussions regarding conflict of interests stating that Cllr Jancey was in an untenable position due to the fact that he was unable to take up his position as trustee and was therefore unable to declare any potential conflict of interest.

Cllr Butler stated that if Cllr Nicholls had declared her pecuniary interest [in the view of the trustees] she would not have taken part in the vote appointing Cllr Jancey. [Cllr Nicholls declared a personal interest at the AGM].
Cllrs Jancey and Butler had a discussion regarding the management of conflict of interests.

Decision: Council noted.

1828. Consider appointing legal counsel to legally enforce the trust to accept the appointment of Cllr Jancey as trustee

Cllr Jancey proposed legal action be taken.
Cllr A Fay amended this proposal that this should be put on abeyance pending the findings of the Standards Board are known.
Cllr S Blackmore seconded this amendment.

Decision: Vote: 6 in favour, 2 against. Motion carried

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1829. Discuss the email from Cllr Butler requesting the carer remain in the car park

The extract of the email state:-

"As for your carer, presumably he / she will arrive by car with you? In which case presumably waiting on hand in the car in case of need would be close enough? Alternatively, we could arrange for me to be trained in the necessary technique - which would also give you a back-up for Council meetings, of course"

Cllr Jancey asked the question why was there the presumption as to why a carer would remain in the car park?

Cllr Butler stated that no offence was intended and that she had merely asked the question.

The Chair stated that the email was asking 2 questions and presumably any rational person should answer these questions.

Cllr Crumpton stated that she found this offensive and that, using these words, any rational person would have asked the question as to how can we facilitate your disabilities.

Cllr Jancey asked Cllr Butler if two people had advised her to not send this email. She replied no. He also advised he was in a position to take legal action against Cllr Butler. He then outlined his rights and needs as a disabled person.

Decision: Council noted.

1830. Take the charities commission advise that the parish council via the chair write to the commission regarding trusts disregard of an official appointment, discrimination due to his disability and ask for them to step in

Cllr Jancey stated that it was appropriate to take this complaint to the Charity Commission and asked that the parish council document the problems associated with this appointment.

He proposed that a letter be written by the parish council, using the discrimination against his disability, itemising how this appointment has been opposed by the Manor Hall trustees.

Cllr Fay amended this proposal stating she can see no evidence of any discrimination due to his disabilities.

Cllr S Blackmore proposed that copy minutes be made available to the Charity Commission detailing events as to the current difficulties that the Manor Hall trustees have with this appointment.

Cllr Crumpton seconded this proposal and asked that copies of email exchanged between the Chair and the Manor Hall trustees be included. [This is the email sent by Cllr Jancey to the chair containing the copy of the letter sent by the chair of the trustees to himself and also the email sent from the Chair personally supporting his appointment].

Decision: Vote 6 in favour, 0 against, 2 abstentions. Motion passed.

1831. Request that due to the disregard of the councils democratic decision and her duty to comply that Cllr Butler be asked to step down from her position [as vice chair] and an official standards complaint be issued via the parish council.

Proposed by Cllr Jancey and seconded by Cllr Crumpton that Cllr Butler be asked to step down from her position as vice chair and an official standard board complaint be issued via the parish council.

Decision: Vote 2 in favour, 5 against, 1 abstention. Motion failed.

Cllr Butler stated for the record that she had personally recommended [to the trustees] Cllr Jancey be allowed to take up his appointment but the other trustees had over ruled her.

1832. Date of next meeting

6th July 2015 Manor Hall

Signed

Date: 6th July 2015