

**WEST HILL PARISH COUNCIL  
MINUTES OF THE PARISH COUNCIL MEETING  
HELD ON 9<sup>th</sup> November 2021 AT 7.30PM**

Present:	Chairman Cllr Margaret Piper (MP), Cllr Della Cannings (DC), Cllr Alison Carr (AC), Cllr Amanda Townsend (AT), Cllr Alan Cook (ABC)
In attendance: Apologies received from:	Anne Oliver Parish Clerk, 1 member of the public attended the meeting

**AGENDA – EXTRAORDINARY MEETING OF THE PARISH COUNCIL**

Item (a)	Discussion and decisions (b)
21/185	<p><b>Welcome and Chairman’s announcements</b> The meeting started at 7.30pm. Chairman MP welcomed everyone and reminded everyone that the meeting was being sound recorded.</p> <p>The Chairman reported that several Cllrs had received an anonymous letter. As per the WHPC Anonymous Correspondence Policy an un-redacted copy was circulated to all Cllrs and a copy presented to the meeting.</p> <p>Cllrs resolved</p> <ul style="list-style-type: none"> <li>• To pass the letter to EDDC Electoral Services</li> <li>• To take no further action</li> </ul>
21/186	<p><b>Apologies.</b> To receive apologies and approve reasons for absence. <i>N/A</i></p>
21/187	<p><b>Public question time (3 minutes)</b> From 7.30pm residents are invited to give their views and question the Parish Council on issues on this agenda or raise issues for further consideration at the discretion of the Chairman, before the start of the Parish Council meeting. Members of the public may not take part in the Parish Council meeting itself. This item included issues submitted to the Clerk prior to the meeting. <i>1 members of the public attended the meeting. No matters were raised.</i></p>
21/188	<p><b>Declarations of Interest</b></p> <ol style="list-style-type: none"> <li>a. Register of Interests: Councillors are reminded of the need to update their register of interests.</li> <li>b. To declare any personal interests in items on the agenda and their nature. To declare any disclosable pecuniary interests in items on the agenda and their nature (Councillors with DPs must leave the room for the relevant items).</li> </ol> <p><i>Cllrs MP, AC, DC, ABC, AT – each declared no interests.</i></p>
21/189	<p><b>Confidential/exempt items. In consideration of the Public Bodies (Admission to Meetings) Act 1960</b> (publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted): to agree any items to be dealt with after the public and press have been excluded. <i>Cllrs agreed to consider part of item 21/190 in confidential session.</i></p>
21/190	<p><b>Monitoring Officer:</b> To receive an update on the complaint against WHPC submitted to EDDC in 2020.</p> <p><i>The Chairman made the following statement:</i></p>

Today, 9<sup>th</sup> November 2021, WHPC has received notification from the EDDC Monitoring Officer that he will not be progressing the complaint made against WHPC.

I wish to put the following on record:

To date WHPC have been dealing with this matter in confidential sessions. It is now thought it is timely and appropriate (see below) to provide information in public, as far as possible, whilst maintaining the anonymity of the Complainant and others named where appropriate. It is necessary to ensure that through the information provided those persons cannot be identified even if not named. There will be matters though that WHPC will still need to deal with in confidential session.

## **Background**

### **1. Complaint against WHPC**

On 19<sup>th</sup> July 2020 WHPC received notification of

- a complaint from a West Hill resident (who will be referred to as 'The Complainant'). The resident stated they did NOT require WHPC to investigate it.
- their intention to submit a complaint to East Devon District Council (EDDC) Monitoring Officer (MO) against WHPC.

On 2<sup>nd</sup> September 2020 the then Chairman received communication from the Monitoring Officer (MO) that a Code of Conduct complaint had been received from the same resident against 'the council and 5 councillors'.

### **2. EDDC Monitoring Officer Process**

EDDC have a published process for dealing with Complaints against Councillors (that covers Parish Councillors). The EDDC Standards Process is published on their website.

The EDDC MO as a first stage has to make an assessment of the complaint in consultation with an Independent Person (someone EDDC is required to appoint). There are five options for the MO to deal with a complaint:

- No further action
- Investigation by the MO and conclusion on breach
- Complaint alleging criminal conduct
- Complaint referred for independent investigation
- Other action eg informal resolution.

A complaint must be made within 3 months from the date upon which the complainant became, or ought reasonably to have become aware of the matter giving rise to the complaint. It would appear in this case the MO has used his discretion to deal with matters that would otherwise be out of time – this is usually based on the MO's judgement to be justified as in the public interest to continue with the complaint.

### **3. Monitoring Officer Investigation**

The EDDC MO asked WHPC if it would agree to mediation and the Parish Council readily accepted this in the spirit of resolving the issues involved. Since Sept 2020 the WHPC on numerous occasions has sought from the MO to know the details of the complaint and to request progress updates: to date (of this report) such has not been received from the MO.

During this period the matter was under the jurisdiction of the MO.

WHPC agreed to participate in a mediation meeting with The Complainant facilitated by the MO arranged for 4<sup>th</sup> November 2021 - this is 14 months after being informed by the MO of the

complaint. Throughout this period The Complainant has made further requests to WHPC under the Data Protection Act, through Freedom of Information and Subject Access Requests legislation, and also made further allegations regarding the conduct of the Council and those involved in the Council, as well as about another involved in the complaints process.

On the 2<sup>nd</sup> November 2021 the MO advised WHPC he had cancelled the mediation appointment.

Following a request for clarity, the MO replied on the 3<sup>rd</sup> November 2021 stating that, "Having reflected, if you both (ie The Complainant and WHPC) feel that there is benefit in having the facilitated meeting then I am still happy to do this."

On the 3<sup>rd</sup> November 2021 The Complainant wrote to the MO and WHPC to advise that as a result of the cancellation of the mediation meeting he/she now intended to take civil litigation against WHPC.

On 9<sup>th</sup> November 2021, WHPC received notification from the EDDC Monitoring Officer that he will not be progressing the complaint made against WHPC

#### **4. WHPC Extraordinary Meeting**

On receipt of The Complainants 3<sup>rd</sup> Nov 2021 correspondence WHPC called an Extra-ordinary Council meeting for 9<sup>th</sup> November to enable Cllrs to consider and agree appropriate actions.

WHPC then on 5<sup>th</sup> November asked the MO a series of questions seeking further clarification of the process. WHPC received a response but are currently not at liberty to publish this response as his decisions relate to other parties.

WHPC now feels it is appropriate to publish this report and highlight that throughout the process the council had agreed to participate in a mediation process and continued to request details of the complaint, which has still not be made available by the MO. WHPC has not been responsible for the timescales involved in the process. From the outset WHPC has made it known that it actively sought to work with all parties to resolve matters.

In the meantime, WHPC contacted the Complainant to ask if they were willing to provide their complaint and desired outcome as it had not been forthcoming from the MO. The Complainant has provided papers to this end, which have been circulated to all Councillors.

The Complainant's most recent correspondence includes further allegations against the Council, Councillors, employee and other parties. These include:

- The Complainant states that WHPC 'branded' them 'vexatious'. WHPC has never deemed anyone as a 'vexatious complainant'
- The Complainant stated that "Cllr DC" was not a Councillor on 16<sup>th</sup> February 2021 – they refer to her as 'Della Canning'. Cllr Della CANNINGS has been a Councillor since being declared such on 7<sup>th</sup> July 2020.
- The Complainant states, "The unjustified delays, prevarications and the false publication that the complaint had been resolved force me into now taking civil litigation for libel and/or malicious falsehood".
- The Complainant states he/she has made a complaint to the Information Commissioner's Office regarding refusal to make disclosures.
- Inferences regarding the conduct and truthfulness etc of those associated with WHPC.
- The WHPC has conspired with other parties against the Complainant.

	<p>This excludes allegations which are repetitious of matters previously addressed then obviously they are not included here as they have been finalised e.g. challenge with regards the Declaration of Interests at a meeting.</p> <p><b>Cllrs considered the Chairman's statement and Cllrs resolved</b></p> <ol style="list-style-type: none"> <li>1. To note the Monitoring Officers decision not to progress the complaint</li> <li>2. To note that all matters relating to The Complainant prior to the Monitoring Officer's decision on 2<sup>nd</sup> November are now finalised. WhPC has fulfilled its responsibilities under law with regards requests for information and where applicable the Council's complaints procedures have been completed/exhausted.</li> <li>3. To note WHPC has notified its insurers regarding the intimation of litigation.</li> <li>4. To note WHPC will await contact from the Information Commissioner's Office.</li> </ol> <p>The Chairman proposed the following items were considered in confidential session to ensure the anonymity of The Complainant.</p> <ol style="list-style-type: none"> <li>A. WHPC will assess any further allegations that have been made against the Council, Councillors and employees as to what further action (if any) is required</li> <li>B. WHPC will consider whether to invoke the Complaints Policy – unreasonable, persistent or vexatious complainant process with regards this Complainant.</li> </ol> <p><b>Cllrs agreed</b> and recording of the meeting stopped at 19.51pm. The member of the public left the meeting. Cllrs went into Confidential session.</p> <ol style="list-style-type: none"> <li>A. Cllrs considered each of the allegations and considered possible actions for each.  <b>Cllrs resolved</b> to await communication from the Information Commissioners Office and other external parties.</li> <li>B. Cllrs carried out a detailed assessment of the vexatious complainant criteria set out in the WHPC Complaints Policy.  <b>Cllrs resolved</b>, to invoke the first stage of the policy, and to notify The Complainant verbally and in writing of the Council's decision.</li> </ol> <p>Recording resumed at 21.09pm</p>
<p><b>21/191</b></p>	<p><b>Councillors questions, reports and items for future agenda</b> Each Councillor is requested to use this opportunity to report minor matters of information not included elsewhere on the agenda and to raise items for future agendas. <i>Councillors are respectfully reminded that this is not an opportunity for debate or decision making.</i></p> <p>Cllr DC gave a brief update on the Office of the Police and Crime Commissioner's seminar held on 8<sup>th</sup> November 2021, in particular her proposal for other East Devon Councillor Advocates to share learning, A fuller report will be presented to the 7<sup>th</sup> Dec meeting.</p>
<p><b>21/192</b></p>	<p><b>Next meeting:</b> To confirm the date of the next meeting at the Village Hall which is scheduled for Tuesday 7<sup>th</sup> December 2021, 7.30pm at the Village Hall.</p>

Meeting closed 21.10pm

Signed: *Anne Oliver*, Clerk to the Council, 10<sup>th</sup> Nov 2021