

NOCTON PARISH COUNCIL

Clerk to the Parish: Mr S R Baxter JP MIFA ADPS ADIP Email: clerk@noctonparishcouncil.gov.uk Tel: 0781 444 3058

STATEMENT BY THE NOCTON PARISH COUNCIL

IN REGARD TO THE VARIOUS ISSUES RAISED AT THE FULL COUNCIL MEETING ON THE 07 SEPTEMBER 2021 AND SUBSEQUENTLY

1. Parish Council decision to undertake a financial investigation into alleged financial impropriety and misfeasance

The Council wishes to clarify the issue after numerous viewpoints were made in the Parish Council Meeting. The Council asked the newly appointed Clerk in April 2021 to investigate alleged financial impropriety of certain persons involved with the Parish Council during the financial year of 2020/21 after various financial transactions were identified which were considered to be worthy of further investigation. The Council has a legal obligation to protect the resources and funds that belong to the community, and has a legal obligation to report to the necessary authorities any alleged suspicious activities. Once it was made aware that there was a significant amount of financial and operational transactions that the Council felt were not in keeping with the various pieces of legislation, Council policy or normal operational activities, it was duty bound as a public authority to report these to the necessary authorities to allow them to investigate as necessary and to ensure that the Council was not accused of being complicit. The Council did not have a choice - it was legally obliged to report any suspicions to the necessary authorities.

If, as certain members of the community feel, the Council went to the individuals concerned first, without reporting these to the necessary authorities, it would be criminal negligent as a Parish Council - the Council must in the first instance report any suspicions to the appropriate authorities. If these authorities feel that the alleged actions do not warrant further investigation, or feel that there is insufficient evidence to warrant the alleged actions being prosecuted, then this is a decision by the authorities but the Council would then have fulfilled its legal obligation.

The decision to report the suspicions to the necessary authorities was not taken lightly and was supported unanimously by all Councillors present at the meeting. The RFO had a statutory and absolute obligation as specifically defined under the Local Government Act 1972 to report any issues they find to the Council, but also to ensure that should they find any alleged financial impropriety, that the necessary authorities are made aware. This is not a choice - it is a legal obligation and should the RFO not do this, they would be breaking the law and could be prosecuted.

The Council are saddened that some members of the community, some of whom have served as Parish Councillors previously, have made various accusations or assertions against the Council and Clerk despite not knowing the full detail of the alleged actions by some individuals. The Council would ask that the harassment targeted at the Councillors and the Clerk ceases.

While the Parish Council awaits the formal report, it has requested from the Police, it cannot comment on the specifics of the alleged actions as this may prejudice any future considerations.

The Parish Council does wish to firmly and clearly reiterate - when certain alleged suspicious financial and operational transactions were identified (of which it was alleged they did not follow the statutory, operational

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and council policy process), it acted absolutely as it was expected to through its legal obligations - no more, no less. While the Council do appreciate the frustration that this has caused within the community, and the individual effect this has had on specific individuals, the Council followed its legal obligations despite what certain members of the community believe.

The Council have written to the individuals concerned for permission for the publication of their personal data. Until such time as the Council receive the permissions, the Police report and have agreed on the way forward, it cannot comment on the specifics. The Council would be breaching data protections laws if it did.

The Council do wish to conclude that they have discussed the financial investigation and the subsequent queries with the Monitoring Officer at NKDC. She confirmed that the Parish Council acted absolutely as they should have and there was no question in not submitting the details to the relevant authorities at the Council's earliest opportunity. The Monitoring Officer stated that the report written and submitted to the Police cannot be released as it contains personal data that under the GDPR prohibits the publication without their consent.

2. Parish Council response to the Community in regard to being made aware of a petition being raised

The Parish Council wishes to state that as a responsible employer takes its obligation to its employees very seriously and ensures that its legal duty of care is paramount in decisions it makes.

The Council is aware that there is a petition being organised to encourage the Council to dismiss an employee. It wishes to make its position absolutely clear: the employment status of any of its employees is for the Council to decide and will support each of its employees in their role. It thanks all its employees for their hard work and their support to the Council and the Community and without their continual commitment the Council would not be able to fulfil its obligations to the village and neighbourhood.

The Council wishes to make the petition organisers aware that the petition is not legal binding and has no legal stance whatsoever. The Council will not be forced into any position in regard to its employees and it will follow the employment legislation as it is obligated to.

The Councils wishes to conclude that the matter has been discussed with the Monitoring Officer at NKDC who fully supports the Council's position in the lack of legal standing the position has – and also stated the position to support all employees is the correct way to proceed.

3. Conduct during the Parish Council Meetings

The Council fully appreciates and acknowledges that it should be held account by the community to whom they represent. The Council as a corporate body, serves the Community and does want to hold a constructive communication with all members of the village to ensure that the Council is made aware of the local feelings and that it should answer questions posed to it.

All Councillors who serve on the Council do so through an unpaid voluntary basis, do so in their desire to do their best for Nocton and all decisions they make are made with the most recent information, with the best available information at the time and for the good for the Parish. They do appreciate that some decisions they make as a collective as the Parish Council may occasionally be controversial or that some members of

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the community may not agree with them. Often Councillors have to make decisions on issues when the community is not privy to all the information due to confidentiality or statutory reasons.

The Council has unfortunately seen recently a rise in the unwelcome, harassing and almost abusive communication from some members of the local community towards the Councillors and its employees. No member of the Council or employee should have to, or will accept, having serious accusations made to them with no evidence, having harassing assertions made in regard to them or being blamed for issues outside their control. On the recent Full Parish Council Meeting, the Council was continually harassed and serious assertions made, this also included the Clerk being continually targeted for abuse and actually being wrongly accused of being convicted of an offence – an accusation with no merit whatsoever and was quite abhorrent.

The Council welcomes strong debate, it does not accept having to be subjected to abuse.

The Councillors have all agreed that this behavior will not be tolerated again and should the same members of the community proceed in the same manner they will be asked to leave the meeting or the Acting Chair will suspend the meeting.

4. Communication with the Council and the Communications Policy

The Parish Councillors have seen a rise in the number of communications to the Councillors directly which is contrary to the communications policy of the Council. The Council wishes the Community to know that under Section (2) (a) and (b) it states:

Parish Council Correspondence: a) The point of contact for the Parish Council is the Clerk, and it is to the Clerk that all correspondence for NPC should be addressed. In certain circumstances it is agreed by Council Resolution that individual Members may be the point of contact; all such correspondence must be copied to the Clerk via the PC email account. b) The Clerk should deal with all correspondence following a meeting.

The section of the policy is in place to ensure that all communication is recorded in one place and that this communication is accurately stored for any statutory issues, such as Freedom of Information or Subject Access Reviews. While the Council appreciates that some members of the community may wish to occasionally contact the Councillors directly, it is imperative that general communication comes through the channel as described in the communications policy.

The Parish Council wishes politely but firmly state: All enquiries to the Council must go through the Clerk.

Thus, in future, should any communication come directly to the Councillors, it will be automatically forwarded to the Clerk to manage and should a Councillor or Council response be needed, then the decision will be taken as needed.

The Council wishes to thank all for their support and appreciate the commitment and hard work undertaken by some for support of their community.

Thank you.

Cllr M Clarke – Acting Chair of the Parish Council

Mr. S Baxter – Clerk of the Parish Council

15 SEPTEMBER 2021