

Subject: Re: Question for meeting.

From: [REDACTED]

Date: 08/02/2022, 15:46

To: Parish Clerk <parish.clerk@lynehamandbradenstoke-pc.gov.uk>

CC: Antony.jones@lynehamandbradenstoke-pc.gov.uk, Frank.Ball@lynehamandbradenstoke-pc.gov.uk, clare.church@lynehamandbradenstoke-pc.gov.uk, Shendie.Green@lynehamandbradenstoke-pc.gov.uk, Ron Glover <Ron.Glover@lynehamandbradenstoke-pc.gov.uk>, David Leuty <David.Leuty@lynehamandbradenstoke-pc.gov.uk>, Allison Bucknell <allison.bucknell@wiltshire.gov.uk>

Dear Parish clerk

Thank you for your reply, but for your information:

1. I am fully supportive of the best value bid being awarded the contract. For those who have been around here long enough, will recall 7 companies were believed to have been asked to tender. Unfortunately, only the councillors at the time could confirm who had been contacted, as oddly, in that instance, names were not made public, though it understood tenders were sought from companies in local places such as London and Kent. However, only Rod provided a quote, so was given the contract, something I agree with. Therefore, if Rod wins the process this time, I would welcome that.

2. A dispensation was sought from Wiltshire Council, [REDACTED] ensured this was done. Further, he publicly confirmed this had occurred at a Parish Council Meeting after he sought advice from NALC, and this was witnessed by at least 10 members of the public. So it is obvious that following NALC legal advice, the then Parish Chairman made sure that NALCs advice was followed and the Monitoring Office gave the dispensation.

3. His declaration of Interest on WC fails to specifically indicate that he is contracting to this council, therefore it is not clear to the MO or the public.

Further, I am also surprised by the tone of your response, as I feel that it is somewhat condescending in its tone, especially as I had indirectly sought advice from both WALC and NALC before sending the email, to ensure that the information given was correct.

Maybe [REDACTED] would know more on this, as I do recall this being a topic when I was a Councillor.

Regards

On Mon, 7 Feb 2022, 21:40 Parish Clerk, <parish.clerk@lynehamandbradenstoke-pc.gov.uk> wrote:

- hide quoted text -

Dear [REDACTED]

Thank you for your email.

The Council is due to award the contract at the forthcoming meeting and has not, at this time, agreed to award to Cllr Gill. His quotation will

be reviewed along with the other quotations received in an open and transparent manner during the meeting.

I would just like to address what I feel is a misunderstanding of the legal requirements on Cllr Gill with regard to the Toilet Cleaning Contract.

As Cllr Gill has a pecuniary interest he is required to do ONE of four things according to the law:

1. To ensure the Monitoring Office is aware of the interest – which he has done by placing the interest on the register held by the Unitary Authority.
2. To declare the interest at the meeting – which he has routinely done whenever the item in question has been raised.
3. To leave the room during the debate – which, again, he has routinely done whenever the item in question has been raised.
4. To request, via myself, a dispensation vote from L&B on the issue to allow him to remain – which he has NEVER done.

As I say, he is only required to do ONE of the above; he has done 3 (it not being feasible to do all 4 as the last negates the formers).

Should Cllr Gill fall foul of the pecuniary interests rules, HE is the one receiving the fine, not the Parish Council. He would only be in this position should he perform NONE of the above.

I can also assure you that Cllr Gill remains completely unaware and unexposed to ANY of the other quotes received. However, all other quoters for this contract are able to review the Council's current annual spend on the Toilet contract as this is published in our accounts. This does, in fact, put Cllr Gill at a disadvantage which would give some indication that the Council is receiving "fair value".

It is therefore perfectly reasonable for Cllr Gill to submit a quote for the work and, should the Council deem it the best offer, be awarded the work. There would, under legislation, be no negative consequence to either him, or to the Council.

As is customary with queries received from the public in relation to agenda items, your email will be addressed by the Chair at the point of the meeting where the quotations are discussed to ensure that the public are not under the impression that there are improprieties in the choosing of contracts for this council.

bw
Elizabeth

Elizabeth Martin
Clerk To Council
Lyneham & Bradenstoke Parish Council
01249 561020

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For and on behalf of Lyneham and Bradenstoke Parish Council

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On 07/02/2022 16:35, [REDACTED] wrote:

>

>

> Dear councillors,

>

> In respect of "TO CONSIDER AND AGREE THE TOILET CLEANING CONTRACT
> COMMENCING APRIL 1ST 2022 FOR THREE YEARS"

>

> It is my understanding that Councillor Rod Gills company is being
> awarded the toilet cleaning contract, if this is not the case, then
> please ignore this question.

>

> If it is the case, can the Chairman please publicly confirm that a
> dispensation has been sought and agreed in writing, from Wiltshire
> Council in respect of Councillor Rod Gill, as required under the Local
> Government Act 1972, the Localism Act 2010, the Local Government
> Finance Act 1988 and the Public Contracts Regulations 2015.

>

> Though any decision who the contract is awarded to correctly rests
> solely with the Parish Council, the Council and the Parish Councillors
> should be aware that unless a dispensation has been granted for the
> awarding of a contract to a sitting Councillor, then either the
> Councillor is automatically debarred from the Parish Council with
> immediate effect on being awarded the contract, or it places the
> Parish Council in a position that they will be knowingly breaking
> law. If the former occurs then that will create an immediate

> Councillor Vacancy or if the latter applies then that can result in
> very large fines being awarded against the Parish Council, at the least.
>
> In the past this has not been a problem, the Parish Council has
> obtained the dispensation from Wiltshire Council prior to the award of
> contract, indeed this was the case when Councillor Gill was awarded
> that last contract but it must be remembered that due to the size of
> the contract, Wiltshire Council is required to give this dispensation
> rather than the Parish Council itself to avoid accusation of nepotism .
>
> The Councillors and the Parish Council are also reminded that a
> dispensation is based on a "contract by contract" basis, and as this
> is a new contract, a new dispensation is required and cannot be sought
> after the award of contract.
>
> I look forward to you confirming that this dispensation has been granted.
>
> Regards
>
> [REDACTED]
> [REDACTED]
> [REDACTED]
> Lyneham
> Sn15 [REDACTED]

For and on behalf of Lyneham and Bradenstoke Parish Council

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