

## Written Questions From The Public

Question Set 1: Mr T. Darch, by email.

Email produced in full in its original form in Appendix A1 and points summarised here.

1. That the Agenda be updated to add “Royal” to instances of “Wooten Bassett”.
  - a. The Agenda has been updated and re-posted.
2. Why the Council is not distributing the Agenda onto several other Facebook pages.
  - a. The Council distributes the Agenda onto the Council’s website and Facebook page, it is only required to do the former. The Agenda is also posted on the notice boards and, for January, was also posted on the Bradenstoke Facebook page. Wherever possible the Council will distribute as widely as possible but cannot guarantee that all interested Facebook pages will be used.
3. To understand why the Minutes for December were changed following their original posting to the website
  - a. The minutes for December were corrected to amend the date of the next meeting from January 7<sup>th</sup> 2021 to January 12<sup>th</sup> 2021 following this oversight being reported by another parishioner. The meeting date was always January 12<sup>th</sup>. The minutes are draft and subject to change until they are moved for a vote at the meeting that approves them. Where the minutes have been distributed to Members as part of the meeting pack, changes will be notified. Where minutes are changed to add or delete content, Members will be notified. Where the changes are inconsequential and corrective, and made before distribution for approval, they are unlikely to be notified.
4. That the Minutes for December be updated as per item 1)
  - a. The minutes will be updated to reflect this prior to submission for approval
5. That the Council clarify the budget item planned for the Church Yard.
  - a. The Council believes that Section 214(6) of the LGA 1972 permits the Council to contribute towards the expenses incurred in maintaining the cemetery, especially as these are in part, rather than in whole. Further, Section 137 of the LGA1972 permits the Council to incur expenditure which in their opinion is in the interests of, and will bring direct benefit to, their area or any part of it or all or some of its inhabitants. The Council does not maintain its own cemetery and therefore contributes towards some of the costs of grass cutting to ensure that the area concerned is kept tidy and well maintained. NALC’s view on this issue is that the law is unclear, and the Government has declined to amend the law as it believes that the above does not conflict with s 8(1)(i) Local Government Act 1894. Council was presented with the issue during budget settings for 19/20 and proceeded to approve the budget. The continuance of this provision is for the current Members to decide when approving the budget for the forthcoming year.
6. That the Council clarify the position on the provision for rates potentially payable on the Toilets in Lyneham
  - a. The Council has not, in the recent past, paid rates on the Toilets. The Toilets do, however, attract a rateable value (of less than £15000). There is no current expectation that the Council will be faced with a demand for rate payment in the forthcoming year. If this situation unexpectedly changes, the Council will fund such a demand from its Contingency fund.
7. An update on the renewal of contracts for Council work due shortly.

- a. Council is currently looking at contract renewals. The contract highlighted is due for renewal at the end of the municipal year, March 31<sup>st</sup>.

Question 2 – Mrs S. Webster, by email.

**TO WHOM IT MAY CONCERN**

When the Pandemic started, you told us the Parish Emergency Plan could not be utilised because it was out of date and not fit for purpose. You promised us that it would be reviewed, updated and re-issued by September. This has not happened, and it appears that the Parish Council has not even attempted to rectify this since the last update in July.

*Can you tell me, as a resident of this Parish, why it hasn't been produced and further explain why this Parish seems not to care about emergencies in this Parish? I believe that the Parish Clerk stated in July that she would oversee this and ensure that this was dealt with as a matter of urgency.*

The emergency plan is currently being reviewed by Council following updates. This is a continuous work in progress. The Council will provide an update at the next meeting

*Also, as Winter is now upon us, can you tell us if the Parish Clerk has ordered our annual salt stock and where it is being held now, as Tim Webb explicitly stated he would not hold it for you?*

The Council is currently looking at salt provision

### Question 3 – Mr K. Webster, by email

Email (the original response and the response to response) produced in full in its original form in Appendix A2 and points summarised here.

Regarding the bank reconciliations performed monthly by the Parish Council.

*“If this reconciliation has not, on any occasion, not been carried out correctly, can you explain why you have failed in your legally required due diligence to protect the public purse?”*

The Council’s legal position has been laid out in the response to the original email. No further comment will be made.

Regarding the variance. I do not believe you explained the reasoning for this, but like yourself I cannot immediately find the recording (nor do I intend to spend time to do so). I would appreciate a public explanation, and minuting of the reason in the forthcoming meeting.

As explained in the response email, this will be explained in the meeting and minuted for clarity.

#### Question 4 – Mr K. Webster, by email

Dear Mrs Martin

I was reading a long thread on Facebook regarding the traffic issues outside of the Co-op, which I do agree needs to be addressed before anyone is severely injured or killed. I was pleased to see that Mike Robertson joined in the discussion letting everyone know that the Parish had agreed that Flashy Speed Indicators Signs were needed and that these were a priority.

*As it appears that this decision was taken at a non-public meeting (which are not made to the public) can you tell me why this is being done and what other decisions have been made away from public scrutiny?*

The Council does not hold non-public meetings, nor does it make decisions outside of properly convened public meetings (unless those items are confidential or prejudicial – decisions in these cases are still minuted and published).

In addition to that point, although in the same vein, the 2021-22 Budget Planning Document states “Allows for Council to re-apportion the Special Projects EMR to align with projects currently in concept or early-plan stages” which would indicate that decisions have been made as to those projects.

All projects will be brought before full council for approval and minuted accordingly

*Can the Parish Council confirm that projects have been identified and shared with the Members of the Public?*

All projects will be brought before full council for approval and minuted accordingly

## Question 5 – Ms. D. Bagley, by email

Dear clerk,

I am pleased to see that the council is still meeting in accordance with the COVID - 19 guidelines.

However, can you explain why since June you have collectively and consistently failed to publish, on your website, Facebook page or even shared information onto any other public facing media ANY information on COVID-19? Where we can get help, what the levels are and what you are doing to help the community. What help is available, especially for socially isolated residents. There are a lot of us in this position,

There is now a strong feeling that the parish council no longer cares about us, in these frightening times. You collectively appear to have no interest in making sure the public have the correct and current information!

The Parish Council strives to put up information on the website. Because the COVID19 regulations have been moving so quickly the Parish Council recommends that members of the public continue to use the Wiltshire Council links to the Wiltshire Wellbeing Hub for help if needed.

Wiltshire Council has a strong team of people with the most up-to-date information.

Cllr. Robertson is also a point of contact locally if the public know of someone who is struggling and may require additional support.

<https://adults.wiltshire.gov.uk/Services/1544>

also

<https://www.wiltshire.gov.uk/public-health-coronavirus>

## Appendix A1 –Mr T. Darch, by email

### Public Participation

- A. In the agenda the Parish Clerk refers to a “Report from PCSO, Wooten Bassett”.

Please can the Chairman make it clear that the name is “Royal Wotton Bassett”. As you will be fully aware, the royal title being given in recognition to the town folk by the Queen in recognition for the respect they paid to the fallen military personnel as they returned from conflict. The failure to address, or ignore this fact, in any way, is extremely discourteous to the fallen, the town and the people of Royal Wotton Bassett.

- B. I have been asked a person connected with the Parish Council why I took it upon myself to share the Parish Meeting details onto the three Lyneham social media groups. This was done at the request of several people as they had not seen any information in the Lyneham groups, plus I had noted it had only been shared on the Bradenstoke group by the Parish. Consequently I agreed with the people pointing this out so posted to make sure the information was shared to ensure open inclusiveness, plus it must be remembered the Parishes names is Lyneham and Bradenstoke, and not just Bradenstoke!

I also noted with great concern that the meeting was not notified via the news feature on the Parish Website.

Could the Chairman please explain why this council now wishes to go back on its word to keep the public informed, and if this is the responsibility of a particular individual, could he explain how this will addressed before further damage is done to the reputation of the council and its councillors!

Moving onto specific questions

### Accuracy of the minutes

- A. I note with some concern that the draft minutes issued with the agenda seems to have been altered, which to the best of my knowledge is illegal (Once the draft is issue, they can ONLY be amended by at the next meeting the errors must remain, this was covered when undertaking training with WALC).

On the version I downloaded approximately 10 days after the previous meeting, I noted that the date for the next meeting was given as Tuesday 7<sup>th</sup> January 2021, which obviously was a mistype, however I see that the minutes issued with the agenda now reads the Tuesday 12<sup>th</sup> January 2021 (I also see that the draft minutes in the Minute section has also been reissued on the 6<sup>th</sup> January with the date altered). I have attached a copy of the original draft minutes

So, could the Chairman please explain why the minutes were altered (which is illegal) and what procedures are in place to prevent other minutes or formal documents from being altered rather than legally amended. Could he also inform us if any other documents have been amended in the manner.

- B. Again as per the observation, could all references to “Wootton Bassett” be amended to “Royal Wootton Bassett”

### **Proposed Budget – Churchyard Grass Cutting**

As the councillors who were on the council last year will recall, there was much discussion around the £2000 funds earmarked for the Graveyard.

You will also recall that following discussion and after referring to the advice Ann Kingdon had obtained from NALC, it was agreed that grants for living graveyards was not permitted. As such giving funds for the grass cutting of the graveyard was not permitted under s 8(1)(i) Local Government Act 1894.

You will also recall that it was agreed to leave those funds in place as the Church had requested recovery of funds used in the Memorial Ground, and that had to be rejected under s 8(1)(i) Local Government Act 1894, but the organisations at the time invited to reapply if they had a separate Memorial Hall/Garden charity.

No application was subsequently made, so the Grass Cutting for the Graveyard budget would be reabsorbed into general funds.

As such the item for Graveyard Grass cutting should be removed to close that erroneous budget item down, in accordance with the public statements made by the Parish Councillors in January 2012.

Councillor Broughton will remember this discussion.

### **Proposed Budget – Public Toilets**

Looking at the presented financial statements from the Parish Council, and at the proposed Precept, it appears that the Parish Council is not paying Business Rates on the Public Toilets.

As you will be aware, the Non-Domestic Rating (Public Lavatories) Bill [HL] 2017-19 was dropped and the current Non-Domestic Rating (Public Lavatories) Bill 2019-21 has not passed through Parliament yet.

Therefore, could you please explain why no business rates have been made or paid over the past few years (bearing in mind only the disabled toilet may be legally exempted) and what arrangements are in place should a demand come in, which would not be inconsiderable?

### **Contracts**

I am aware that some of the contracts for services supplied to the Parish Council are legally up for renew this year, I am somewhat disturbed that it appears that there has been no legal tendering processes.

Could the Chairman explain under which legislation ‘roll over’ of contracts has been allowed, and if the Parish has unilaterally decided to ‘roll over’ without due process, can the Parish Clerk explain what safeguards are in place to ensure we do not breach the Parish’s own Financial Regulation.

I am aware of several other Parish Councils, who despite the current COVID-19 pandemic, have still carried out tendering processes.



## Appendix A2 – K. Webster, by email

Madam Clerk

For several months now the Parish Clerk when discussing the Parish Finances has stated that at the time of the meeting a bank reconciliation had not taken place.

*As this is one of the most important financial safeguarding duties required under law, can the responsible councillor, who I believe is Councillor Broughton, please publicly confirm that this reconciliation has taken EACH month and on what dates, and further if there were any noted variances.*

*If this reconciliation has not, on any occasion, not been carried out correctly, can he explain why he has failed in his legally required due diligence to protect the public purse?*

I noted last month there was a discrepancy which was neither mentioned nor discussed and indeed passed through as received. This discrepancy is again on this Month's reconciliation sheet.

*As a local taxpayer, can I have an assurance that this will not result in costs being occurred as part of any audit process*

Response From Parish Clerk to Mr Webster.

Dear Mr Webster

Thank you for your email. I am not certain I fully understand your statement regarding Reconciliations not being prepared for the meetings for "several months now". A Bank Reconciliation has been prepared and posted for the meetings in September, October, November and December. Furthermore, a reconciliation was prepared and presented at September's meeting for July and August. These are all available on the Council's website with the exception of November's reconciliation which is not posted in the supporting documents (this will be corrected shortly).

<https://www.lynehamandbradenstoke-pc.gov.uk/community/lyneham-and-bradenstoke-parish-council-16223/full-council-meeting-8th-december-2020/>

<https://www.lynehamandbradenstoke-pc.gov.uk/community/lyneham-and-bradenstoke-parish-council-16223/agenda-for-13th-of-october-2020virtual/>

<https://www.lynehamandbradenstoke-pc.gov.uk/community/lyneham-and-bradenstoke-parish-council-16223/agenda-for-15th-september-2020-virtual/>

I will note, however, that bank reconciliations were not presented for May and June 2020 but this was before my role commenced on the Council and I am unable to speak to that. I would add that the Reconciliation was done at year-end in March and fully voted on by whole-Council.

I am also a little confused regarding your expectation that Cllr. Broughton is responsible for the finances in some way. As the RFO, I am the person responsible for the finances, and the Council members in totality are responsible for the well-running of the finances – they provide the check and balance. Cllr. Broughton is nominated to counter-sign the reconciliations not to be responsible for them. The reconciliations are presented to all members of the Council as part of the meeting for this reason.

Additionally, for this Council, the Finance Committee provides the first level of oversight of the well-running of the finances. As you were the Chair of this Committee until October I'm sure you are aware of our financial regulations which state that a reconciliation should be done quarterly, and not monthly, and must be done annually (as part of the AGAR return). There is no legal requirement for a monthly reconciliation to be presented. I'm sure you'll share my view that L&BPC are going above and beyond in their financial transparency by attempting to ensure a monthly reconciliation is performed and posted to the public, not only on their current account but on ALL their accounts. In your role as Chair of the finance committee you were aware that we moved banks during the summer and therefore bank statements were delayed and the reconciliations done later than normally expected; however, still done. I would also note that the Finance Committee met only once in 2020, on August 5<sup>th</sup>, and did not discuss reconciliations.

You are correct to identify that there is a variance. I believe I have explained the reasoning for this, but I cannot immediately find the recording (nor do I intend to spend time to do so). As this variance still exists, I will explain AND MINUTE the reason in the forthcoming meeting. For your information, the variance exists due to a bank error where two identical payments were sent to HMRC. These payments occurred during a point where the bank's online system went down mid-payment. As I am sure you'll know, HMRC are not the easiest to retrieve money from, and as the payment to HMRC is re-occurring, this is being held "on account" until the Q3 PAYE is due (which it is, but HMRC instruct payment to be made AFTER January 6<sup>th</sup> so the balance due will be paid then). Far from costing the Parish money, this actually keeps the Council in credit with HMRC.

On your final point regarding Audit costs, I do not expect any of the above to have any effect on the Audit. As I have pointed out above, there is NO legal requirement or Audit requirement for a monthly reconciliation (only an annual one). There is no legal requirement to recover funds in the circumstances described above.

I hope this addresses your questions and your concerns, if not, please do let me know.

[Response To Response From Mr Webster.](#)

Dear Madam Clerk

Thank you for your response. Let me attempt to alleviate your confusion.

Whilst I am aware of the 3 month/annual reconciliation, which is the absolute legal minimum, there were many occasions it was agreed that this would be done monthly and certainly was expected by the previous Clerk, Ann Kingdom, to protect our finances and more importantly to comply with section F7 of the Financial Risk. This was also a key suggestion from our external assessor who was deployed by the Parish Council to assess all the areas of weakness which needed improvement to give the Members of the Public the Parish Council they deserve. These recommendations were discussed, voted on and passed by the Full Council. Whilst I am fully appreciative that this was before your tenure as Parish Clerk, I am interested to know when did the Parish Councillors change that, or was it a unilateral decision on this matter, which would be in breach of Financial Risk Assessment and has the potential to leave the Parish Finances uninsured.

Having monthly reconciliations is best practice which is what we should all be striving for rather than performing to minimum legal requirements which are there to ensure something is in place. What

works for a small village does not necessarily translate well for a large village, especially one where the residents care about how their Parish Council is seen to behave.

Additionally, Councillor Broughton has publicly stated on several occasions that he has had to declare an interest, as he receives payments money and **because he is responsible for signing off the reconciliations**, so this is a role he is very aware of. Whilst I accept that presenting a paper document stating it is a signed off reconciliation, is not the same as having it publicly confirmed that this reconciliation has occurred and that he has legally signed the documents. As for May and June's under the Lyneham and Bradenstoke Parish Financial Regulations (which do differ from NALCs) they should have been legally signed off as a minimum in July and again in October, with either a physical signature or public confirmation (due to COVID-19) by Councillor Broughton that he has agreed and accepts responsibility for all items as being 100% accurate. That is not the same as being the Responsible Financial Officer.

Maybe at the Parish Council meeting of 12<sup>th</sup> January 2021 you should ask Councillor Broughton to answer the question *"If this reconciliation has not, on any occasion, not been carried out correctly, can you explain why you have failed in your legally required due diligence to protect the public purse?"* rather than you answering for him.

Regarding the variance. I do not believe you explained the reasoning for this, but like yourself I cannot immediately find the recording (nor do I intend to spend time to do so). I would appreciate a public explanation, and minuting of the reason in the forthcoming meeting.

I would like for this entire email thread be shared at the above meeting of the Parish Council on 12<sup>th</sup> January 2021, to provide openness and transparency to the Residents of Lyneham and Bradenstoke.