



Enborne Parish Council Ordinary Meeting

Monday 24 August 2009

Minutes

Present

Cllrs: Douglas Staples Chairman, Martin Burton and Gordon King.

12. Chairman's Introduction and Welcome

The Chairman outlined the circumstances of the previous Clerk's resignation due to ill health and the recruitment of his replacement

Proposed Councillor Douglas Staples

Seconded Councillor Gordon King

Clerk Michael Seckington is confirmed in office.

The Chairman reported details of the three way correspondence between the Council, West Berkshire Standards Office and Mrs Ray. There were interjections from the floor during this report, but none disputed the content of the report. A transcript of this report is annexed at Appendix 1.

13. Apologies for Absence

Apologies were received from Councillor Callaghan who was delayed in London.

14. Approval of Minutes of Meetings

Proposed Councillor Gordon King

Seconded Councillor Martin Burton

That the minutes of the Meeting of the 18 May 2009 were signed as a true record.

15. Declarations of Interest

There were none

16. Members Questions and Petitions

There were none.

17. Questions and Petitions from members of the Public

The Clerk summarised the correspondence between Mrs Ray and himself with regard to copies of minutes

18. Finance

Annual report returned from Mazars. Criticism re no Asset Register agreed by clerk and will be rectified.

The financial statement to 31 August was agreed by Council and is annexed as Appendix 2.

19. Planning Matters and Approvals.

Standing orders were suspended to take presentations from members of the public on current planning applications at:

- a) Bungalow adjacent to The Craven. Council objected as inappropriate in a rural area with no other new building in the immediate area. Council were surprised that the application had progressed this far.
- b) Construction of 2 detached dwellings at Unit 1 Enborne Row. No objection.

20. Governance

The West Berkshire Heritage Forum 29 July
District/ Parish Conference 9 September at Kintbury
Mrs McCartney has resigned due to pressure of work. There are again two vacancies. The appropriate notices have been posted with no response.

21. Parish Plan

The chairman reported that the formation of a working party was in progress. A meeting is now planned with West Berkshire Council and members will be kept informed by email.

22. Update on William Waterman's Bequest.

£59,409.17 has been received and is in a specific account at Newbury Building Society.

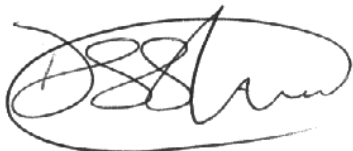
It was thought to be appropriate to comply with the terms of the bequest and negotiations with the Church Authorities will continue.

23. Village SOS

The Clerk reported this as a possible source of funding for future projects

The meeting closed at 9.15 pm. The next meeting was provisionally set for 30 November.

Signed as a True Record



Chairman

Date 30th November 2009

Appendix 1

I have two letters sent to WBDC in which Mrs Marilyn Ray of Biggs Cottage, Enborne Road details a number of complaints about this Council. Neither of them are marked confidential. This means that by reading out those letters I comply with Section 3 (a) of the Code of Conduct. I also have the responses from Mr David Holling at WBDC. Mrs Ray has enjoyed unchallenged, repeated complaining for over three years. Now with this opportunity to respond, I will refer to a number of letters and documents generated by, and sent to Mrs Ray over the years. First, I will summarise the situation as we have some new Councillors, and I feel it likely that members of the public would appreciate an update.

I was co-opted into the Council in 2005 at Mrs Ray's invitation, Mrs Ray was the Chairperson at that time. At the end of January 2006, Mrs Ray resigned from the Council, saying:-

"Dear All

Due to health reasons I have decided, with regret, that it is necessary for me to resign from Enborne Parish Council, effective from the date of this letter.

As you all know, at our last Parish Meeting I was wearing a monitor for blood pressure, which had to be worn for 24 hours, the results of which have proved that some activities, including Parish Council meetings, are definitely not good for my health. I wish you all the very best for the future, and success in all ventures."

Mrs Ray has since resigning, despite wishing us all the very best for the future, and success in all ventures, vigorously championed a series of complaints against this Council, the first dated the 22nd March 2006 regarding the minutes of the January 2006 meeting.

Mrs Ray followed up with multiple complaints to the Standards Board for England, who, declined to investigate any of them, and later dismissed her appeal.

After an examination of our affairs by the local monitoring officers at WBDC, we were advised that the Governing policies of the administration we had inherited from Mrs Ray required "substantial improvement".

Mrs Ray then disrupted the May 2006 AGM to such an extent that the Chairman, - Mr Peter Yarrow had to abandon the meeting, following his failed attempt to find out why Mrs Ray was so troublesome.

I became Chairman in June 2006 when Mr Yarrow resigned from the Council.

Mrs Ray has written pejorative comments in letters to a range of organisations even contacting the Conservative party and our MP in her attempts to discredit me, all without any success. She even stooped to calumny at one parish meeting, I requested an apology, she refused, I then referred the matter to the Thames Valley Police who immediately served her with an order under the protection from harassment act.

Her complaints had now become "circular" that is they just went round and round like a cracked record. Last year, through her solicitor, Mrs Ray threatened legal action. The Council on advice from the Local Monitoring Officers of the Standards Board for England, in a move to bring matters to a conclusion, adopted established procedure in such cases and formally offered her an opportunity to have her issues and complaints heard by an independent mediator. The Council made three separate written offers, Mrs Ray refused them all, stating in her letter of the 26th October 2008 to the Clerk, "It's a shame that mediation was only available with a raft of provisos attached" - those provisos that Mrs Ray found to be unacceptable were detailed in our earlier letter to Mrs Ray's solicitor dated 24th May 2008 and were as follows:

a) Any legally relevant grievances are clearly and comprehensively detailed with supporting documentation etc.

b) The process should clearly separate personal issues, e.g. between your client and the chairman, from those that concern the council as a whole. In this regard we seek an assurance that your client will refrain from any further public attacks, especially in regards to spent convictions or any other actions which are plainly outside the scope of this matter.

c) The chairman and the Parish Council on the one hand and the complainant on the other, both undertake to be bound by and to comply with the arbitration body's findings.

The Council withdrew the offer after an extended period of grace, the matter was then considered formally closed.

Mrs Ray, then overturned her earlier decision, and stated that she was prepared to accept the offer.

The Council having closely complied with procedure and having closed the matter, did **not** feel, nor was obliged to, overturn **it's** decision.

Since then, Mrs Ray has taken to writing to various parties on a range of subjects where she continues with what resembles a vendetta comprising of vexatious and habitual complaining regarding the operation and management of this Council.

So far, Mrs Ray has never declared why she is so antagonistic towards this Council, and me in particular, she voluntarily resigned for her own reasons, her resignation letter was in fact dated some 4 days before she announced her intentions, so clearly great thought had been given to the matter after she wrote it. It was a surprise to everyone, but accepted in the circumstances, her behaviour since has been extraordinary, and remains a complete mystery.

I will now address the correspondence:-

We have copies of two letters, the first is dated the 9th June 2009 and has 32 paragraphs, and the second is dated 17th July 2009 containing 5 paragraphs.

Referring to the letter dated 9th June, the first 10 paragraphs are to do with Sovereign Housing, and contain several allegations that I as Chairman have "Overturned" decisions made by the Council.

The response from Mr David Holling to Mrs Ray regarding this was:-

"MATTERS RELATING TO SOVEREIGN".

(Third para on page 1 of DH letter to MR 12.8.2009)

I have reviewed your letter of the 9th June and my own view is as it was in my letter of 26th May. The Parish Council through it's members and Clerk chose to take a different course of action rather than writing to Sovereign. I am satisfied that because events had moved on as a result of three informal meetings between various parties, two detailed letters to WBDC as Planning Authority and to the Planning Inspectorate, site visits with Councillor Stansfeld and Swift-Hook the actions proposed did not bring about a reversal of Sovereign Housing's Appeal but it was clear that the actions taken by the Parish were such to establish better working arrangements between the various parties and I am content that the Parish Council robustly pursued this matter on behalf of those residents affected.

Fact: I have never "Overturned" a Council decision.

Paragraphs 11 to 15 (that is 6 paragraphs) relate to Parish Meetings, or to be exact, the fact that we don't currently hold them and claims that this Council ignores legislation.

Mr Holling's response to this was:-

Parish Meeting

(First para on page 2 of DH letter to MR 12.8.2009)

As you state a parish meeting must assemble annually between 1st March and 1st June each year. It must meet when convened by the Parish Council but can be convened by the Chairman or two Councillors, or under the provisions of the Local Government Act 1972 Schedule 12 by six electors of the area in which it is to be held. A Parish meeting can resolve certain matters but they are only persuasive as far as the Parish Council is concerned. The District Council nor myself as Monitoring Officer can compel a parish Council to hold a parish meeting. I am quite willing to write to the Clerk and Chairman advising them of their duties particularly as you raise the matter of schools and other organisations not being in a position to present their annual report. However at present with parish planning developing in the area this may be something that could be picked up as part of that format or alternatively schools or other organisations could contact the Clerk to the Parish to seek an opportunity to present an Annual report at one of the Parish Council Meetings.

First point is that a Parish Meeting whilst chaired by the Council Chairman, is NOT and never has been a forum for parishioners to conduct some sort of inquisition against their Parish Council, - it is an opportunity, and certainly not the only one, for local organisations to present reports. Parishioners and focus groups can discuss new ideas and initiatives, with resolutions being passed for eventual

presentation to the Parish Council. In fact the only official member of the Parish Council who has to attend is the Chairman, who acts as a master of ceremonies, not as a defendant, the rest of the "panel" are ideally non-councillors. There is a section on our web site that explains all about Parish Meetings.

Second point is that any parishioner who wishes to communicate with the Council, simply has to talk with the Clerk who will arrange with the chair for that person to address the Council. The last time we had such an event, Mrs Ray, having requested an opportunity to address the Council on what was thought to be one topic, then when given the opportunity embarked on a surprise slanderous attack on me instead, by doing so she left herself open to prosecution on at least two counts, and was as I have advised, subsequently served with a Harrassment Order by Thames Valley Police.

Third:- I regularly read in the Parish News, reports from the Church, the local school and the flower show, so the claim that such organisations are prevented from giving their reports is false. The Parish News reaches virtually every one of the 500 or so people in Enborne, Parish Meetings are lucky if they address a dozen. To suggest that local organisations have been prevented from presenting annual reports to the parishioners is abject nonsense.

Fourth:- the precept, - every December this council goes through a long and detailed discussion on the precept, as a result of this a budget is drawn up and agreed, the whole thing done in public. Every time we have a meeting, a financial report is made by the RFO and openly discussed.

The Charity Commission summarises information provided each year by the administrator, and this is published on their Web site. It is exactly the same arrangement as when Mrs Ray was Chair, Mrs Ray's letter actually quotes information on the Poors Charity from the Commission web-site which - was provided by this administration.

Para 16:- This goes on about the fact that the Charity used to provide Fuel Vouchers, and repeats earlier comments about Parish Meetings.

Fact is that the practice employed by the Council when Mrs Ray was Chair, where the **Council** paid for Fuel Vouchers, - was illegal. I can only refer her to items 1 & 2 of the minutes for the February 2006 Meeting, copies of which she has on file. They are her exhibit number 3 in her first failed complaint to the standards board if that helps her locate them.

Para 17:- Mrs Ray states.....

After the current Parish Council Chairman joined the Parish Council he became a trustee of the Charity. It was announced that Charity meetings would no longer be open to parishioners, the meetings would be in private excluding parishioners, and a letter from the Trustees, shown on the Charity's headed notepaper as "The Enborne Parish Council", email enbornepc@btinternet.com, was sent to previous recipients of the fuel vouchers informing them that the issuing of fuel vouchers had ceased. I understand that is still in force although according to the Charity Commission website, the Charity provides fuel vouchers.

When I joined the Council, **Mrs Ray** was Chairman, I do not remember any announcement regarding the attendance of parishioners at Charity meetings, for a start during that period we didn't have or hold Charity meetings, certainly none are recorded. I feel that Mrs Ray has become confused.

Para 18:- goes on about the Parish news and the Charity, and claims that parishioners cannot raise questions about the Charity, - again.

Parishioners can raise questions about the Charity any time they wish, - that is a fact, the claim by Mrs Ray is wrong. The Home page (which is well read and monitored by Mrs Ray) on our Web site makes it very clear that any parishioner can contact the Parish Council via the Clerk.

Para 19:- is tied in with the earlier para 14, where her mistaken understanding of what a Parish meeting is repeated. It also criticises WBDC.

Mr Holling's responses were:-

Enborne's Poors Allotment Charity 202451

(Second & Third paras on page 2 of DH letter to MR 12.8.2009)

You raise a number of points regarding the above Charity and indicate that at one meeting it was closed to discuss who would receive charitable payments. These matters took place in private session. In my view this is quite correct in that the information relating to individuals is the matter of those being

considered by the Parish Council is something which should be considered a Part II that is under the confidentiality provisions of the Local Government Act 1972 and in any event as the payments related to a charitable body and not the Parish Council again those financial affairs should be considered in private. To do otherwise potentially opens the Parish Council to a breach of the 1972 Legislation and Data Protection principles. I do not consider that this action was unreasonable.

Further I am advised that the Parish Council is in regular contact with the Charity Commission and it appears to be being managed effectively. Access to details regarding the Charity are available on the Charity Commission website and I am advised that if parishioners have concerns or wish to raise questions they can do so via the Parish Clerk.

Annual Charity Commission Report

(Last para on page 2 of DH letter to MR 12.8.2009)

A formal report of receipts and expenditure of the Charity is prepared and presented each year to the Charity Commissioners. The Report is summarised by the Commission and published on its website. Any funds for the Charity are distributed in a manner which is approved and accepted by the Commissioners but clearly details of individual recipients of funds as mentioned above is a confidential matter and as such would not be disclosed on the website.

Paras 20 thru Para 23:- are Nothing to do with this Council

Para 24:- refers to our decision to approve the application by Mr Burton to build a bund.

Para 25:- states that Mr Burton was co-opted into the council.

Paras 26 thru 29:- claim that this council were not authorised to co-opt Councillor Burton.

WBDC said.....

Vacancies

(Third para on page 3 of DH letter to MR 12.8.2009)

Notice of a vacancy was advertised in accordance with the provisions of the Local Government Act 1972. Notice was completed by the former Clerk but no electors petitioned for an election and in accordance with Section 87 of the Local Government Act 1972 a casual vacancy could be filled by co-option as is the normal course. Unfortunately according to the Chairman and Clerk no one has come forward to fill the vacancy and thus one vacant Councillor post exists on the Parish. It is a matter for the Parish Council to determine how they consider and manage the filling of a vacancy. As returning officer I would only get involved if ten electors from within the parish make a request in writing to me within 14 days of the notice being displayed. Unfortunately that period has now expired thus co-option is the only alternative for the Parish Council.

Para 30:- complains that we don't read out correspondence.

Para 31:- Mrs Ray claims to have been "confused" based on the fact that during the obvious transition to our new Clerk, Mr Seckington, that Patrick Cogswell's name was seen on a notice board, in fact it was the official posting to replace Mrs Morgan - Mrs Ray complains that she was not certain who she should write to.

David Holling's response.....

Parish Clerk

(Second para on page 3 of DH letter to MR 12.8.2009)

You indicate that you have had to write to "Both of Enborne's Clerks". I understand that the former Parish Clerk did write to you giving details of the new clerk. I have checked the website and the details of the new Parish Clerk are now in place. I understand Mr Seckington (New Parish Clerk) may well have responded to some other of your enquiries in the meantime.

Para 32:- this one is worth reading out.....

I trust, on behalf of myself and other parishioners, that I may look forward to your early reply which will now address the issues raised and demonstrate transparency at a local level. In the meantime, as a precaution should you deem it unnecessary for West Berkshire District Council to take any action as the responsible authority, people in Enborne are discussing the possibilities of shouldering the huge financial burden of the judicial review suggested by your office.

I cannot find any specific response to this from WBDC.

I can advise however that the first stage of a Judicial review is for permission to be granted by proving "Sufficient Interest" I quote Lord Donaldson MR (Master of the Rolls) who stated

"The first stage test which is applied on the application for leave [now called permission], will lead to a refusal if the applicant has no interest whatsoever and is, in truth, no more than a meddling busybody."

R v Monopolies and Mergers Commission, ex parte Argyll Group plc [1986] 1 WLR 763, p 21

More to the point, the fact that Mrs Ray refused to accept our offers of Mediation, defeated her case (if she even had one) under the Civil Procedure Rules: CPR Part 54. So there is and will be no Judicial review or "Huge Financial Burden".

Mrs Ray's second letter attempts to cause confusion over the charge for Council documentation, and alleges that I ignore legislation, and repeats previous complaints.

Mr Holling's response is:-

(First para on page 3 of DH letter to MR 12.8.2009)

Parish Council minutes

You raise concerns about the minutes of the meetings being made available. It is a matter of process for the parish council to determine how they deal with the minutes of particular meetings. In Enborne's case the clerk prints a copy of the minutes before the following meeting, any amendments are made following comments by members of the parish Council and if approved the minutes are signed by the chairman. I understand that this process has been explained to you on a number of occasions and that it is also explained on the website. Copies of minutes are available and the Council are entitled to make a reasonable charge. I am advised that this charge is £1.00 and this charge is made irrespective of the number of sheets that are printed.

I would like to add some points:-

The Freedom of information act requires Parish Councils to make items like minutes available in the public domain, Web pages, libraries etc, and does **not** state that they are to be personally distributed. So, we are not even obliged to provide hard copies, - but we do, for a pound, for the time being.

Finally, Mr Holling closes his letter with:-

(Last para on page 4 of DH letter to MR 12.8.2009)

Having looked through your correspondence I now consider that I have answered your concerns in full, and have advised you of the actions I will take regarding those in which I can provide guidance or advice for the Parish Council. Unless future correspondence raises significant new issues, I will acknowledge, but not respond to, correspondence dealing with issues we consider have already been resolved or addressed. I have sent copies of this letter to the District Council members and the Chief Executive for information.

As far as I am aware, that is the procedure as defined in WBDC's 2004 vexatious & habitual complainants policy for dealing with those classified as such.

Mrs Ray has already had a visit from the law in the furtherance of her vendetta. I have had two opportunities to take direct legal action against her, and, if she continues to Slander and demean my position, I will cease to turn the other cheek and will allow the "blunt stick" of the Judicial system to be applied, Mrs Ray is currently aware to her cost that I follow through on such warnings.

This response to Mrs Ray has been prepared in full compliance with the Code of Conduct 2001, with particular attention to Section 2 (b). Rather than detail everything, I have referred to a selection of basic and salient facts for expediency. Everything I have said has been in response to three years of an incessant barrage of negative inferences, slander, false allegations, anti-social behaviour and endless trivial and groundless complaints from Mrs Ray.

Richard Benyon MP wrote to me a year ago, describing the matter as "appearing to have taken on the factional nature of a Balkan enclave", well it's Enborne, not somewhere in the middle of a Civil war, so it must come to an end, and to that effect I quote a line from Mrs Ray's letter of the 26th October 2008 to the Clerk, where she expresses what I am sure was a genuine desire to "draw a line under the issues and move on".

I say, Let that be so.