



Loddon Parish Council

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Minutes of the Meeting of Loddon Parish Council (LPC) held on Wednesday 02 February 2022, 7.00 pm in the Library Annexe Rear Hall.

Present: Cllr Kay Mason-Billig, Chairman (KB), Cllr June Strickland, Vice-Chairman (JS), Cllr Arthur Morris (AM), Cllr Jane Hale (JH), Cllr Margaret Wallace (MW), Cllr Colin Binfield (CB), Cllr Liz Marsham (LM), Cllr Alan Wildman (AW) and Cllr Daniel Scott (DS).

In Attendance: Emily Curtis (Parish Clerk), Georgina Hirst, (Responsible Finance Officer, RFO) and one member of the public.

Absent: None.

1. Welcome and Meeting Protocol and Etiquette

Cllr KB welcomed everyone to the meeting. The Chairman informed the Council that as this meeting was a Formal Complaint Hearing, members of the public will not be invited to contribute during the Public Forum. The Clerk and the RFO confirmed that they wished to record the meeting.

2. **Apologies for Absence:** The Council accepted apologies from Cllr Jones (SJ) as he has a close family member with Covid-19 and Cllr Powell (JP) as she was attending Cllr training.

3. **Declarations of Interest and Requests for Dispensations:** Cllr Wallace (MW), declared a Non-Pecuniary Interest in item 6.

4. To Approve the Minutes of the Meeting Held on the 12 January 2022:

It was agreed to defer approving the Minutes of the meeting held on the 12 January 2022 to the following meeting on the 09 February 2022.

5. **Exclusion of Public and Press** - It was **resolved** to not exclude the public and press under the Public Bodies (Admissions to Meetings) Act 1960 Schedule 12A SS1 & 2.

6. Formal Complaint Hearing

Cllr KB informed the meeting that the Complainant has not replied to the invitations to attend the Formal Complaint Hearing. Neither the Complainant nor Representative attended the Formal Complaint Hearing. The Complainant has however submitted at 18.50 on the evening of the Hearing via Cllr AW, a further written statement of complaint and the Council **resolved** to read this document. The Council adjourned for several minutes to read the document supplied by the Complainant.

The Chairman proceeded to outline the Council's Complaint Procedure and explained the reason for the Formal Complaint Hearing.

6.1 Introduction to Formal Complaint Hearing

A Formal Complaint has been received from a former Cllr who resigned on the 05 September 2021. Whilst in post, the Complainant had raised several informal complaints, and was invited on several occasions to attend meetings with the Chairman, Clerk, Vice Chairman or other Cllrs, as preferred by the Complainant. The invitations to attend a meeting were declined on five occasions.

After the Cllr resigned from the Council, the Complainant sent several informal complaints, which were circulated to Council and answered by the Clerk, AAO and on one occasion, an ex-Cllr who has since resigned.

The Complainant alleged that a Data Breach had occurred during one of the email replies, as the email had been circulated to additional Cllrs, who had not been in the original distribution list. After the Data Protection officer investigated the Data Breach, it was resolved that no Data Breach had occurred, as emails can be lawfully circulated between Cllrs and Officers for them to carry out their duties. Cllrs comply with the Data Protection Policy and use the Council's email addresses, and no personal or third-party email addresses were included in the distribution list. The decision was logged and minuted and the Complainant informed.

The Complainant also submitted a Subject Access Request (SAR) on the 17 September 2021. The SAR submitted by the Complainant was answered within the legal timeframe. The Complainant was unhappy with the Council's response and the Council advised the Complainant to escalate the complaint to the Information Commissioner Office (ICO) in line with the ICO guidance.

The Complainant was advised that if they were unhappy with the Council's reply to their informal complaints, Loddon Parish Council had a Complaints Policy and a Formal Complaint could be submitted.

A Formal Complaint was received from the Complainant on the 23 November 2021 and the Chairman invited the Complainant to attend a hearing on the 12 January 2022. The Complainant replied to inform the Council that they were away from home on that date. The Council emailed the Complainant requesting alternative suitable dates, but no reply was received.

Therefore, the Council resolved at the Parish Council meeting on the 08 December 2021, to hear the Formal Complaint at an extra Parish Council meeting on the 02 February 2022.

The Complainant was contacted on the 04 January 2022 and invited to attend the Formal Complaint Hearing. The Complainant was asked to submit documentation to support the Complaint by the 26 January 2022 and was informed that any documentation provided after that time may be accepted at the discretion of the Chairman.

6.2 The Formal Complaint

The Complainant's Formal Complaint, received by the Council on the 23 November 2021

"To whom it may concern.

I would like to raise an official complaint.

The complaint is as follows.

LPC have refused to accept previous complaints.

LPC have not written regarding the previous complaints although it was decided this would happen within a public meeting.

LPC have refused to comply with an SAR request although they have a legal obligation to do so.

LPC failed to use their own complaints procedure to deal with a stand alone complaint regarding the SAR request and a subsequent data breach. Also refusing the right of appeal.

LPC officers and councillors have done deals with land owners outside of the Parish Council.

A LPC councillor has used the position of Councillor for the gain of a third party organisation.

LPC falsely stated in a public meeting that an ex Councillor was guilty of the harrasment of a council employee.

LPC changed the complaints policy in order to avoid complaints made.

LPC have stated in a public meeting they will write to the compliant regarding a separate agenda item, they have not.

Officers and councillors of LPC have spread falsehoods, to councellors and members of the public, with the intention of damaging personal and professional reputations

That officers employed by LPC are exceeding powers granted to them.

That LPC has a culture of cutting councellors out of communications, particularly within working parties, if it is felt that person will go against officers or other councillors.

LPC has a culture of pushing issues forward until they are forgotten or have no relivence, if these issues do not fit with the private agenda of selected councellors or officers.

That LPC is run on a tear system with only the select few getting all the facts.

LPC officers will make up rules until challenged to suit a personal agenda.

These issues are suplimentry to my initial complaint.”

6.3 Review of the Formal Complaint

The complaints in the Formal Complaint have been numbered to assist with the review.

1. “LPC have refused to accept previous complaints”

All emails from the Complainant were circulated to Council, and the Complainant received replies from the Clerk, the AAO and on one occasion, a Cllr that has since resigned.

2. “LPC have not written regarding the previous complaints although it was decided this would happen within a public meeting”

The Council did reply to the informal complaints. Email replies were sent to the Complainant on the following dates;

Date LPC Received Complaint	Date LPC Replied to Complainant
15/09/21	21/09/21
16/09/21	21/09/21
04/10/21	06/10/21
04/10/21	06/10/21

09/10/21	19/10/21
16/10/21	19/10/21
18/10/21	19/10/21
21/10/21	21/10/21

3. “LPC have refused to comply with the SAR request although they have a legal obligation to do so”

The Council received the SAR on the 17 September 2021, and replied to the request on the 21 September 2021, stating which personal data the Council held on the Complainant.

4. “LPC failed to use their own complaints procedure to deal with a standalone complaint regarding the SAR request and a subsequent data breach. Also refusing the right of appeal”

The Council fulfilled the SAR and the Complainant was advised that if they were unhappy with the Council’s decision, they should escalate their complaint to the ICO (in line with the ICO guidance).

The alleged Data Breach was investigated by the Council’s Data Protection Officer using the Council’s Data Breach Procedure and was deemed to have not been a reportable Data Breach. The Complainant was informed and the decision regarding the Data Breach was logged and Minuted.

The Council did not receive a request for an appeal from the Complainant. There is no right to appeal in the Council’s Complaint Policy or Data Breach Procedure.

5. “LPC officers and Councillors have done deals with landowners outside of the Parish Council”

No examples of an Officer or Cllr doing ‘deals’ with Landowners outside of the Parish Council were received from the Complainant and no evidence of this allegation was provided.

6. “A LPC Councillor has used the position of Councillor for the gain of a third party organisation”

No example of a Cllr using the position of Cllr for the ‘gain of a third-party organisation’ was received from the Complainant and no evidence of this allegation was provided.

7. “LPC falsely stated in a public meeting that an ex-Councillor was guilty of the harassment of a Council employee.”

The Council have no recollection that during a public meeting it was stated that an ‘ex-Cllr was guilty of the harassment of a Council employee’. No evidence of this event was provided by the Complainant to support this allegation.

8. “LPC changed the Complaints Policy in order to avoid complaints made”

The Complaints Policy has not been updated by the Council since 09 December 2020. A ‘Unreasonably persistent and/or vexatious contact or complaints/complainants Policy’ was adopted by the Council on the 10 November 2021.

9. “LPC have stated in a public meeting they will write to the Complainant regarding a separate agenda item, they have not”

The Complainant did not specify which separate agenda item this referred to and provided no evidence to support this complaint.

10. “Officers and Councillors of LPC have spread falsehoods, to Councillors and members of the public, with the intention of damaging personal and professional reputations”

No examples of an Officer or Cllr spreading falsehoods to Cllrs and members of the public were received from the Complainant and no evidence to support this allegation was provided.

11. “That Officers employed by LPC are exceeding powers granted to them”

No examples of an Officer exceeding powers granted to them was received from the Complainant and no evidence to support this allegation was provided.

12. “That LPC has a culture of cutting Councillors out of communications, particularly within working parties, if it is felt that person will go against Officers or other Councillors”

No examples of the Council having a ‘culture of cutting out Councillors out of communications’ was received from the Complainant and no evidence to support this allegation was provided.

13. “LPC has a culture if pushing issues forward until they are forgotten or have no relevance if these issues do not fit with the private agenda of selected Councillors or Officers”

No examples of the Council ‘pushing issues forward’ were received from the Complainant and no evidence of this allegation was provided.

14. “That LPC is run on a tier system with only the select few getting the facts”

No examples of the Council being run on a tier system were received from the Complainant and no evidence of this allegation was provided. It is normal practice for the Chairman and Vice-Chairman of a Council to have a close working relationship with the officers as they are effectively their line managers.

15. “LPC officers will make up rules until challenged to suit a personal agenda”

No examples of Officers ‘making up rules’ were received from the Complainant and no evidence of this allegation was provided.

Additional Statement

The Complainant’s additional statement was discussed. The majority of the issues and content had been covered under the Formal Complaint and as no additional evidence was provided therein to support the Formal Complaint, no decisions relating to this document were made by the Council. New and additional complaints would need to be dealt with as a separate matter outside of this Formal Complaint Hearing.

6.4 Summary of the Formal Complaint

Neither the Complainant nor a representative attended the Formal Complaint Hearing.

The Complainant has made many complaints at this Formal Complaint Hearing, many without citing when, where and who was involved when these allegations took place.

The Complainant has not provided evidence to support the complaints and allegations made.

The Council has replied to the informal complaints submitted by the Complainant.

The Council has legally complied with the SAR and advised the Complainant to escalate the matter with the ICO if they are unhappy with the Council’s response.

6.5 Consideration of the Formal Complaint

The Councillors considered each complaint when reviewed earlier in the Hearing. It was **resolved** that no further consideration was required.

6.6 Formal Complaint Decision

The Complainant has made several complaints within the Formal Complaint, without supplying examples or evidence to support these allegations.

The Council have considered the Formal Complaint, and the additional statement provided on the 02 February 2022 at the Formal Complaint Hearing and unanimously **resolved** that none of the complaints made by the Complainant can be upheld.

However, the Council unanimously **resolved** that should the Complainant wish to provide examples and evidence of the complaints by the 28 February 2022, the Council will reconsider the Formal Complaint.

If no evidence is received by the 28 February 2022, the Council will dismiss the Formal Complaint and the Complainant will be informed of the Council's decision on the 10 March 2022. **Action:** AAO to inform the Complainant of the deadline of the 28 February 2022 to supply examples and evidence of the complaints made.

7. Date of the Next Meeting

The next meeting of the Parish Council will be Wednesday 09 February 2022 at 7.00 pm. (Agenda items to Clerk by 02 February 2022).

The meeting ended at 20.50 hours.

DRAFT