

Minutes of the Ordinary Parish Council Meeting

Held on Tuesday 12th January 2021 under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Present: P. Allsopp (Chair), M. Bartram, C. Blanksby, C. Carter, J. Houghton, A. MacPherson and I. Walters.

Cllr M. Ford (SDDC and DCC)

Members of the Public

D. Townsend (Locum Clerk).

120121/1 To receive apologies for absence

None.

120121/2 Variation of Order of Business

None.

120121/3 Declaration of Members' Interests

None.

120121/4 Public Speaking, including County, District and Police Representation.

A resident made the suggestion that consideration might be given to alterations to the Parish boundary

Cllr Ford reported;

- that there was a lot of work being carried out for COVID recovery, and DCC were also very involved in the provision of COVID testing stations.
- that the A38/Markeaton island major work would be going ahead, but there wasn't a known start date.

Cllr Macpherson reported;

- that SDDC were asking for volunteers to help with traffic management at vaccination sites
- that there had been problems with bin collection due to inclement weather, but these had all now been caught up.
- that wildflower planting had been successful on three sites, and Willington had been selected for the future planting of native wildplants.

Cllr T. Bartram asked if Twyford Road Playing Field had green space protection. Cllr Macpherson agreed to confirm exactly what protection it has.

120121/5 To confirm and agree as a true record the non-confidential Minutes of the Extra Ordinary Willington Parish Council Meeting held on 8th December 2020.

RESOLVED to agree and sign the Minutes as a true and accurate record.

120121/6 To consider a resolution to close the meeting for public participation under the Public Bodies (admission to meetings) Act 1960.

Not Required

120121/7 Finance – Income and payments to 12th January 2021

To approve the income and payments to 12th January 2021 (attached at Annexe A to the Minutes). All invoices were available for inspection prior to the Meeting.

RESOLVED that all income and payments as submitted be agreed.

120121/8 To confirm and agree the accounts to month ending 31st December 2020
RESOLVED that the accounts and bank reconciliation to month ending 31st December 2020 as submitted, be agreed.

120121/9 Clerks Report

The Locum Clerk was asked to follow-up items 14/2020, 19/2020 and 22/2020 on the Clerk's report. Cllr Macpherson was asked to follow-up item 35/2020 and report back to Council.

Cllr Carter asked for an update on the phone box situation.

NOTED

120121/10 Report of Outcome of Standards Hearing (SDDC)

The outcome of SDDC's Standards Hearings, which followed an investigation into Code of Conduct Complaints against former Councillors J. Cullen and P. Cullen were reported (decision notices are attached at Annexe B to the Minutes).

RESOLVED

That the decision and sanctions of the Standards Sub-Committee in respect of Former Councillor J. Cullen were noted and attached at Annexe B to the Minutes.

That the decision and sanctions of the Standards Sub-Committee in respect of Former Councillor P. Cullen were noted and attached at Annexe C to the Minutes.

The Sub-Committee also suggested recommendations for Willington Parish Council to implement. The following were agreed;

- 1. That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that Councillors should not exhibit behaviour which "brings the Council or the office of Councillor into disrepute".**
- 2. That the Chairman ensures) that "public participation" is not used as a vehicle for making personal attacks on individuals, and that all future contributions from members of the public (as well as Councillors), genuinely treat people with courtesy and respect.**
- 3. That Willington Parish Council considers any training opportunities to encourage team building and working together once all current Councillor vacancies are filled.**
- 4. WPC would like to take this opportunity to thank SDDC and the Monitoring Officer in their efforts to resolving the serious nature of complaints over the last 12 months, however WPC were concerned about the amount of time that this investigation has taken with no timescales or support for Councillors and Parishioners affected by the serious nature of the investigation. It is imperative that WPC recognises the difference between petty complaints that should be addressed through their own policy but still have the opportunity to have serious complaints dealt with by the Monitoring Officer. The Monitoring Officer felt that a number of complaints made by Councillors and Parishioners were serious enough to warrant an independent investigation.**
- 5. That steps will be taken to explore the possibility of formally audio and video recording Committee and Council Meetings, and making those recordings available to members of the public.**
- 6. That Willington Parish Council seek advice on a policy or protocol relating to audio and video recording, which is legally and procedurally robust, and ensures that any recordings are not intimidatory in nature.**

120121/11 Outdoor Gym (Hall Lane)

Further to Minute Number 241120/7, and 081220/13, three quotations had been received.

RESOLVED that subject to securing the S106 money for this project, and a site plan being completed, Fresh Air Fitness be asked to complete this work at a cost of £12,269.90 excl. VAT for 8 pieces of equipment plus mats, as per their quotation dated 9.11.20.

120121/12 Update on s106 projects

The following updates were provided;

a) TRPF

- The cost of Planning Permission was £487.00. The plans had now been submitted as per Minute Number 241120/9 (c).
- The plans as submitted were also circulated to all Councillors.

It was reported that consideration had been given to moving the kitchen to the front of the new building but that this would be very difficult due to limitations on space. Concern was raised, and Councillors were keen that this be reconsidered at a future stage.

b) Tennis Court Refurbishment

Councillor Houghton reported that he was waiting for quotations which would be reported at the next meeting.

120121/13 To Consider the Report of the Informal Working Group.

A Working Group, was set up at Council on 9th June 2020, to consider replacement bins, and maintenance of the allotment shed. Cllr T. Bartram submitted a report which was circulated to all Councillors.

RESOLVED

- a) that three quotes be sought for the replacement of the two bins at Willington Marina with larger (224 litre) bins, to be presented to the next Council meeting for a decision.
- b) That SDDC be asked to repair/replace their bins that are damaged;
1. Twyford Rd/Orchard Close
 2. Layby on Twyford Rd/Frizzams Lane
 3. Outside Post Office
 4. Beech Avenue

120121/14 Bowls Club Response

Further to Minute Number 080920/12, the Bowls Club were asked to would provide information on their organisation. This was circulated to all Councillors.

NOTED

120121/15 Clock Maintenance Cost

The cost of a three-year maintenance deal was confirmed as £564.00 excluding VAT (to be paid in advance).

A one-year deal was £198.00 excluding VAT.

RESOLVED that the Locum Clerk confirm the existing warranty provision

120121/16 Committee Structures

This item was deferred to the next Council Meeting in February 2021.

120121/17 Signatories

This item was deferred to the next Council Meeting in February 2021.

120121/18 Station Garden

This item was deferred to the next Council Meeting in February 2021.

120121/19 Trees on Derwent Court

This item was deferred to the next Council Meeting in February 2021.

120121/20 Co-Option Policy

RESOLVED that the Co-Option policy as circulated be adopted.

120121/21 SDDC's Draft Equality, Diversity and Inclusion Strategy 2021-25

This item was deferred to the next Council Meeting in February 2021.

120121/22 Planning Applications

- a) DMPN/2020/1371 Prior Approval for change of use from offices (Class E) to dwelling houses (Class C3) at 51 Beech Avenue, Willington, Derby DE65 6DB.
- b) DMPA/2020/1205 The variation of condition no. 2 of permission ref. DMPA/2020/0811 (relating to change of materials) for the erection of replacement agricultural office building at Bettys Farm, The Castle Way, Willington, Derby, DE65 6BU.
- c) DMPA/2020/1236 The erection of a rear extension at 24 Bittern View, Willington, Derby, DE65 6RY.

NOTED

120121/23 Correspondence received

This item was deferred to the next Council Meeting in February 2021.

120121/24 Items for Information

All items of interest had been circulated by email.

120121/25 Exclusion of the Press and Public

Pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the Meeting due to the confidential nature of the business to be transacted.

120121/26 Staffing Matters

This item was deferred to the next Council Meeting in February 2021.

The Meeting closed at 9.35 pm

At the Council Meeting dated 9th February 2021 (Minute Number 090221/5), it was; RESOLVED to agree and sign the Minutes as a true and accurate record, subject to an amendment to Minute Number 120121/4 to include the following wording "A resident made the suggestion that consideration might be given to alterations to the Parish boundary".

PAYMENTS/INCOME APPROVED 12TH JANUARY 2021

Date		Name	Description	VAT	Total inc VAT
			INVOICES ATTACHED	£	£
12.1.21	BACS	South Derbys CVS	Finance Clerk Inv. 9143		41.26
12.1.21	BACS	2Commune	Website hosting, domain name and email accounts	155.00	930.00
12.1.21	BACS	D. Townsend	Locum Clerk Inv 15		1125.00
12.1.21	BACS	J. Houghton	Zoom – Reimbursement Inv 60262710	2.40	14.39
7.1.21	BACS	SDDC	Planning Application (VAT on Service Charge only)	4.17	487.00
27.1.21	DD	ICO	Data Protection Fee		35.00
12.1.21	BACS	Smith of Derby	Clock Repair	342.80	2056.80
			FROM BANK STATEMENT		
			PAYMENTS		
1.12.20	DD	SDDC			43.00
21.10.20	DD	EON			16.40
31.12.20		Unity Bank	Service Charge		18.00
			INCOME		
2.12.20	BACS	S. Frost	Newsletter		40.00

Please note that the Council were incorrectly invoiced for Grounds Maintenance as follows;

Dec - Invoice 73 was issued and paid, for £439.00

This invoice was incorrect and should have been £240.00. Therefore WPC overpaid by £199.00.

Jan – a further invoice (Inv. 75) has been issued for £194.00, along with a corrected one for December for £240.00.

The total corrected payments for Dec and Jan are £240.00 + £194.00 = £434.00. WPC have already paid £439.00, so it has been agreed with the contractor to not pay Invoice 75, as there is a credit on the account. This leaves a further credit of £5.00 which will be corrected on the next month.

PLEASE CONTACT THE CLERK IF THERE ARE ANY QUERIES AND INVOICES CAN BE EVIDENCED.

SOUTH DERBYSHIRE DISTRICT COUNCIL

STANDARDS SUB-COMMITTEE

DECISION NOTICE

HEARING DATE: 7TH DECEMBER 2020 AT 10:00AM

Opened: 10:00 am

Closed: 11:25 am

SUB-COMMITTEE

Councillor Mrs Melanie Bridgen (Chairman)

Councillor Mrs Kerry Haines

Councillor Singh

INDEPENDENT PERSONS

Peter Purnell

Peter Smith

SUBJECT MEMBER

Joe Cullen (not in attendance)

MONITORING OFFICER

Ardip Kaur

INDEPENDENT INVESTIGATOR

Melvin Kenyon

CLERK TO THE PANEL

Donna Foster

DECISION NOTICE

1. The Chairman opened the Hearing.
2. The Chairman introduced herself, invited the Members of the Sub-Committee, and the Independent Persons to introduce themselves. The Chairman invited Officers present to introduce themselves.
3. The Chairman invited the Independent Investigator to introduce himself.
4. The Chairman asked for confirmation of the Subject Member's attendance. The Chairman was advised Joe Cullen was not present, and the Panel were directed to information sent to them, regarding service of the hearing documentation. The Panel also had copies of correspondence received from the Subject Member in response.
5. The Chairman explained the procedure. She referred to the procedure which allowed the Panel to proceed in the absence of a Subject Member.
6. The Chairman asked Mr Kenyon to present his report and call any witnesses. Mr Kenyon outlined the complaint against Councillor Joe Cullen, identifying each element of the complaint.
7. The Chairman asked the Sub-Committee and the Independent Persons if they had any questions of Mr Kenyon. The Sub-Committee and Independent Person put questions to Mr Kenyon.
8. The Chairman allowed Mr Kenyon to sum up.
9. At the conclusion of the evidence, the Sub-Committee and Independent Persons left the hearing, to consider in private, whether Councillor Joe Cullen had failed to comply with Willington Parish Council's Code of Conduct, as set out in the Independent Investigators report.

DECISION

The Sub-Committee and Independent Persons returned to the hearing and the Chairman announced the Standards Sub-Committee had made a decision.

Prior to announcing the Sub-Committee's decision, the Chairman asked the Independent Persons to express their views.

The Independent Persons confirmed the Elected Members of the Sub-Committee consulted them throughout their deliberations, and in connection with each separate allegation against the Subject Member, arising from the Independent Investigator's report. They were satisfied that the Elected Members took account of their views, and concurred with the Sub-Committee's conclusions

The Chairman announced the following decision.

It was the decision of the Sub-Committee that Councillor Joe Cullen was in breach of the Member Obligations in Willington Parish Council's Code of Conduct in that he had:

1. Not behaved in a way that a reasonable person would regard as respectful; and
2. He had acted in a way which a reasonable person would regard as bullying or intimidatory.

SANCTIONS

The Sub-Committee resolved to impose the following sanctions in relation to the above breaches of the Willington Parish Council's Code of Conduct.

- Censure.
- Reporting the Sub-Committee's findings to Willington Parish Council for information.

SIGNED: *Councillor Melanie Bridgen (signed electronically)*

Councillor Mrs Melanie Bridgen
(Chairman of the Standards Sub-Committee)

DATE: 15th December 2020

SOUTH DERBYSHIRE DISTRICT COUNCIL

STANDARDS SUB-COMMITTEE

DECISION NOTICE

HEARING DATE: 7TH DECEMBER 2020 AT 11:30AM

Opened: 11:30 am
Closed: 6:10 pm

In attendance:

SUB-COMMITTEE

Councillor Mrs Melanie Bridgen (Chairman)

Councillor Mrs Kerry Haines

Councillor Singh

INDEPENDENT PERSONS

Peter Purnell

Peter Smith

SUBJECT MEMBER

Councillor Paul Cullen

MONITORING OFFICER

Ardip Kaur

INDEPENDENT INVESTIGATOR

Melvin Kenyon

CLERK TO THE PANEL

Donna Foster

DECISION NOTICE

1. The Chairman opened the Hearing.
2. The Chairman introduced herself, invited the Members of the Sub-Committee, and the Independent Persons to introduce themselves. The Chairman invited Officers present to introduce themselves.
3. The Chairman invited the Independent Investigator to introduce himself and the Member subject of the investigation to introduce himself.
4. The Chairman explained the procedure to be followed.
5. The Chairman asked Mr Kenyon to present his reports and call any witnesses. Mr Kenyon outlined the complaints against Councillor Paul Cullen, identifying each element of the complaints.
6. Mr Kenyon finalised presentation of his four reports, and concluded by stating his reports identified Councillor Paul Cullen had breached Wellington Parish Council's Code of Conduct.
7. The Chairman asked Mr Cullen if there were any questions he wished to put to Mr Kenyon. Mr Cullen made statements, and when directed to do so, asked questions of Mr Kenyon.
8. The Chairman asked the Sub-Committee and the Independent Persons if they had any questions of Mr Kenyon. The Sub-Committee and Independent Persons put questions Mr Kenyon.
9. The Chairman asked Mr Cullen if he wished to make representations to the Sub-Committee and call any witnesses. Mr Cullen made extensive representations to the Sub-Committee.
10. The Chairman asked Mr Kenyon if there were any questions he would like to put to Paul Cullen. Mr Kenyon asked questions of Paul Cullen.
11. The Chairman asked the Sub-Committee and Independent Persons if they had any questions for Mr Cullen. The Sub-Committee and Independent Persons asked questions.
12. The Chairman allowed Mr Kenyon to sum up.
13. The Chairman allowed Paul Cullen to sum up.
14. At the conclusion of the evidence, the Sub-Committee and Independent Persons left the hearing to consider in private, whether Councillor Paul Cullen had failed to comply with Wellington Parish Council's Code of Conduct, as set out in the Independent Investigators four reports.

DECISION

The Sub-Committee and Independent Persons returned to the hearing and the Chairman announced the Standards Sub-Committee had made a decision.

Prior to announcing the Sub-Committee's decision, the Chairman asked the Independent Persons to express their views.

The Independent Persons confirmed the Elected Members of the Sub-Committee consulted them throughout their deliberations, and in connection with each separate allegation against the Subject Member, arising from the Independent Investigator's report. They were satisfied that the Elected Members took account of their views, and concurred with the Sub-Committee's conclusions

The Chairman announced the following decisions regarding each report presented by the Independent Investigator.

Report at Appendix 3

Willington Extraordinary Parish Council Meeting 24/09/2019

The Sub-Committee listened carefully to all the evidence, and found the behaviour complained of was in breach of paragraph 1 of the Member Obligations of Willington Parish Council's Code of Conduct. They found Councillor Cullen did not behave in a way that a reasonable person would regard as respectful.

In accordance with *Paul Richardson and Another v North Yorkshire County Council* and the First Secretary of State, the Sub-Committee found that Councillor Paul Cullen could not divest himself of his official capacity when moving from the Councillors seating area, to the public speaking area, and that he remained in capacity when making comments.

In relation to the allegation of bullying, the Sub-Committee did not find Paul Cullen's behaviour would be considered by a reasonable person, to be bullying or intimidatory.

Report at Appendix 4

Recreation and Amenities Committee - 4th November 2019

The Sub-Committee listened carefully to all of the evidence, and found the behaviour complained of was not proven to the requisite standard, on the balance of probabilities. The Sub-Committee therefore did not find a breach of Willington Parish Council's Code of Conduct arising from the events of 4th November 2019.

Report at Appendix 5

Meeting of Willington Parish Council - 12th November 2019

The Sub-Committee listened carefully to all the evidence, and found the behaviour complained of was in breach of paragraph 1 of the Member Obligations of Willington Parish Council's Code of Conduct. They found Councillor Cullen did not behave in a way that a reasonable person would regard as respectful.

The Sub-Committee found Councillor Cullen attended the meeting in his official capacity, and did not treat the Chair, the Clerk or other persons present, with courtesy and respect.

In relation to the allegation of bullying, the Sub-Committee did not find Paul Cullen's behaviour would be considered by a reasonable person, to be bullying or intimidatory.

Report at Appendix 6
Email Correspondence

The Sub-Committee listened carefully to all the evidence, and found the behaviour complained of was in breach of paragraph 1 of the Member Obligations of Willington Parish Council's Code of Conduct. They found Councillor Cullen did not behave in a way that a reasonable person would regard as respectful.

The Sub-Committee found that Councillor Cullen sent the emails complained of in his official capacity, and did not treat the Chair, the Clerk or the other Councillors with courtesy and respect. The emails were undermining of the Chair's authority, and when taken together fell below appropriate standards. In relation to the allegation of bullying, the Sub-Committee did not find Councillor Cullen's behaviour would be considered by a reasonable person, to be bullying or intimidatory.

The Sub-Committee found the sharing of personal information in the form of a personal email address, was done unthinkingly, accidentally and without malice, as identified in the Independent Investigator's report.

The Sub-Committee found evidence of Councillor Cullen breaching Willington Parish Council's Code of Conduct overwhelming. The Sub-Committee stated it had been a difficult case for the Independent Investigator, as well as the Sub-Committee.

SANCTIONS

The Sub-Committee resolved to impose the following sanctions in relation to the above breaches of Willington Parish Council's Code of Conduct.

- Censure
- Reporting the Sub-Committee's findings to Willington Parish Council for information.

The Sub-Committee suggested the following recommendations be implemented by Willington Parish Council in its Code of Conduct.

1. That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that Councillors should not exhibit behaviour which "brings the Council or the office of Councillor into disrepute".
2. That the Chairman ensures (as he said he would at the 24th September 2019 meeting) that "public participation" is not used as a vehicle for making personal attacks on individuals, and that all future contributions from members of the public (as well as Councillors), genuinely treat people with courtesy and respect.
3. That Willington Parish Council agrees to a programme of reconciliation and a review of its working arrangements to try to restore relations within the Council and, further, that any Councillor who is unwilling to take part in a programme of reconciliation should consider their position as a Councillor.
4. That Willington Parish Council agrees to an early programme of reconciliation and a review of its working arrangements (including its Committee structure) to try to restore relations within the Council and, further, that any Councillor who is unwilling to take part in a programme of reconciliation should consider their position as a Councillor. In doing this, all Councillors should set aside the need to score points, and stop raising complaints against one another, wasting time and money. They should instead focus on finding common ground and doing what is best for the village of Willington.

5. That Parish Council and Committee meetings are formally audio and video recorded, and that those recordings are made available on a Willington Parish Council YouTube or Facebook channel.
6. If not already completed, a Willington Parish Council policy or protocol be developed relating to audio and video recording, which is legally and procedurally robust, and ensures that any recordings are not intimidatory in nature.

SIGNED: *Councillor Melanie Bridgen (signed electronically)*

Councillor Mrs Melanie Bridgen
(Chairman of the Standards Sub-Committee)

DATE: 15th December 2020