

FLEGGBURGH PARISH COUNCIL

Serving Fleggburgh, Billockby and Clippesby

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Chairman: Mr Keith Osborne

Parish Clerk: C Moore

COMPLAINT DECISION NOTICE

The Complaint:

I write to make formal complaint that Fleggburgh Parish Council acted contrary to the Local Government Act 1972;

(5) no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

The 20/11/2024 meeting agenda provides no information regarding the spending of £10,300 in this year (roughly 4 times FPCs precept), with an undertaking to spend £700 in perpetuity.

The Council 'business' of spending £700 + £700 each year, £1320 for grounds maintenance and £8280 was not specified within the meeting agenda.

[COMPLAINT] ONE

The Agenda stated;

6. Matters arising from the minutes not elsewhere on the agenda a. Poors Trust: Track at The Common;
Fleggburgh Staithe; Parish Council appointed Trustee; Inclosure Award

The resolution was;

6. a) The Parish Council would pay £700 for a lorry load of Type 1, This would be on an annual basis, proposed by Adrian Thompson, seconded by Terry Gammans, all in favour. Adrian Thompson would arrange a contractor to spread the Type 1. ACTION: Clerk / AT

[COMPLAINT] TWO

The Agenda stated;

12. I. Village Hall Grant Applications: Grounds Maintenance; and Car Park Extension.

The resolution was;

12. I) Two grant applications were received, one for grounds maintenance (£1,320) and one for the car park extension (£8,280). It was agreed that the grant applications would be supported, but needed to consider within the budget, proposed by Keith Osborne, seconded by George Manning, all in favour. ACTION: Clerk

Parishioners were not given the opportunity to comment on these proposals, where a great deal of their money was spent, the intention of the legislation is that members of the public are as informed as PCllrs. about proposals that affect them, FPC has failed to comply with legislation.

Decision - Complaint One:

This complaint is not upheld because the agenda does state that the Track would be discussed. The Council is happy to take forward the suggestions from the Independent Report and the

Monitoring Officer that future agendas will not have Matters Arising; and that more detailed agenda items will be given, with costings / reports being brought forward where relevant. The March 2025 meeting will ratify the decision to purchase the Type 1, to regularise the situation.

Decision - Complaint Two:

This complaint is not upheld because no decision was made on the stated expenditure, this decision was deferred to the January 2025 meeting.

Under the Council's Complaints Policy, this decision has been made by Fleggburgh Parish Council's Complaints Committee on Wednesday 12th February 2025 following an appeal by the Complainant.

A copy of the Independent Report is appended to this Decision Notice.

February 2025



NORFOLK PARISH

TRAINING & SUPPORT

Report for Fleggburgh Parish Council

Investigation of complaints received against the Council
“that the Council acted contrary to the Local Government Act
1972.”

Content

- Cover Page
- Background information
- Decision and advice (2 pages)
- Appendix – details of information researched

Report dated: 14th January 2025

Background

Overview

Fleggburgh Parish Council (FPC) received a complaint in November 2024. The complaint was that the FPC had acted contrary to Local Government (LG) Act 1972. The complainant considered that two matters of business to be discussed were not adequately detailed on the agenda:

- (1) A payment of £700 for the Poor's Trust and annual financial support. (agreed at the November meeting)
- (2) A Grant Application from the Village Hall. (subsequently agreed at the January meeting for inclusion in the 2025/26 budget)

Legal Background

The summons to councillors must specify the business which it is proposed to transact (LG Act 1972 Sch 12 paras 10 and 26).

A council meeting must be open to the public and press but can exclude for certain specified reasons (Public Bodies (Admissions to Meetings Act) 1960).

Specified information must be published by a specified date. This includes the publication of agendas and minutes (Transparency Code 2015).

Legal powers conveyed in legislation permitting councils to undertake works for example – the power to maintain public footpaths and the power to provide and equip community buildings.

What does the Parish Council do

FPC is a vital part of their community, and its work falls into three main categories:

Representing the local community; delivering services and facilities to meet local needs; striving to improve quality of life in the parish. As well as regular Parish Council meetings, FPC hold an Annual Parish Meeting inviting village organisations to participate. FPC prepares an annual budget and maintains a good level of reserves.

About the Trust and the Village Hall

- Billockby & Burgh Lands Trust (Charity No 243789) is responsible for contractual agreements affecting farming, land management, conservation, charitable giving and sporting rites. There is a Common track on the land which is part of Footpath 15 (a path which is a public right of way and features on the Definitive Footpath Map). The Trust is registered with the Charity Commission. In 2023/24 its expenditure was £19.60k and its income was £17.1k.
- Village Hall. It is noted from the Annual Report given at the meeting of May 2024, that the Hall Committee is extremely active with many projects including the extension of the car park. It is a well-used and essential community facility.

Decision and Advice

Complaint No 1

A council cannot lawfully decide any matter which is not specified in the summons. A meeting cannot in ordinary circumstances go outside the business mentioned in the agenda – councillors should know what will be discussed and what decisions, if any, they have to make. Members of the public need to know what is to be discussed and why. This is why there is now an opportunity in Public Question time for members of the public to give any view they might have on an agenda item or mention any other concern they may have.

“Matters Arising”, on any agenda, can lead to decision making and should be avoided. Matters Arising (for information only) can also run into problems – prompting discussion and decision making. Best to avoid Matters Arising on any agenda.

While it is noted that “Matters Arising” on the agenda for the meeting held on 20th November 2024 did include some detail of what was to be discussed it did not include any detail relating to any decision which was required. In hindsight, that agenda item should have included not just the topic, but any decision required for example: “To consider the maintenance of the track and its funding”. If the Clerk had received information on the topic, it could have been briefly detailed in an accompanying short explanatory page to give background information for the councillors. This could have been added as an appendix to the summons and loaded on to the website. This would have been done in larger authorities but in the case of a small parish council, the hours worked by the clerk are very sparing sometimes inadequate.

It is noted from the minutes of the meeting held in January 2025, that following the agreement made at the November meeting, some of the work has already been undertaken even though there are enquiries which the Clerk must undertake. Noted that the Clerk has included the costs for the agreed project in next year’s 2025/26 budget.

There is often a considerable frustration in local government that things never move quickly enough! There is a reason why things may need to move slowly. The reason is because decisions are being made with public money, and often considerable exploration is needed to avoid unnecessary cost and ensuring the money is spent prudently.

Decision

I have no concerns that this agenda item was written to conceal the business to be discussed. The business was the Trust. The complainant if attending the meeting, had an opportunity to clarify the overall purpose of the item.

However, in my view, the item required more exploration, and any decision would have been best deferred to the meeting following.

Complaint No 1 - suggested actions for consideration:

Clerk to remove “Matters Arising” from the Agenda.

Items listed on the Agenda to include the detail of the decision to be made, if any.

Where relevant, the Clerk prepares and circulates background information on a challenging topic for discussion – particularly relevant where a financial decision is to be made.

Chairman and Clerk to review the summons in detail ahead of its publication.

Complaint No 2

Agenda item 12.h Village Hall Grant Application: Grounds Maintenance; and Car Park.

November 2024 meeting made a decision to encourage the Village Hall Committee to complete a Grant Application Form for their projects. The grant application was considered at the January 2024 meeting ahead of the budget setting.

An opportunity was given to members of the public at both the November and January meetings through Public Question time, to comment on the item / proposals. The November and January agenda and minutes were published within the required timeframe.

Decision

The detail on the January agenda for item 12.h specified the business to be conducted.

Complaint No 2 – suggested actions for consideration:

Amend wording giving detail of what is expected e.g. “To consider and agree...”

Setting of the budget and agreeing the precept is a topic of its own and would be best as a separate heading rather than included under the general heading of “Other Items.” (refer January 2025 Agenda).

Appendix 1

Abbreviations: FPC Fleggburgh Parish Council
Gt. Y BC Great Yarmouth Borough Council
NCC Norfolk County Council
NPTS Norfolk Parish Training & Support
NALC National Association for Councils

Documents received and inspected

Agenda for the Meeting November 2024
Minutes for the Meeting November 2024
Formal Complaint (December 2024)
Stage 1 Response from FPC
Responses from the Complainant
FPC Complaint Procedure

Other Documents inspected

FPC Website:

Agenda for the Meeting January 2025
Minutes for the Meeting January 2025
Minutes of May 2023
Budget for 2024/25
Budget for 2025/26
FPC Grant Application Form
FPC Standing Orders
Details of the Trust

Gt Y BC Website:

Declarations Forms

NCC Website:

Definitive Footpath Map

Charity Commission Website:

Annual Return for Charity No 243789

NPTS Model Complaints Form

NALC advisory notes on dealing with complaints