

10. CORRESPONDENCE FROM A COUNCILLOR TO THE CHAIRMAN, VICE CHAIRMAN AND THE PARISH CLERK AND RESPONSES THERETO AND INTERNAL WORKINGS AND COMMUNICATIONS BETWEEN COUNCILLORS AND THEIR ROLES AND REMIT (ADJOURNED FROM MEETING ON 19-01-2016)

Chairman thanked all Cllrs for being at the meeting. The last few months had been very challenging, culminating in the resignation of the [REDACTED]. All Cllrs had been served with a folder of documents/emails/letters that had been received by the Chairman, and/or the Vice Chairman and/or the Clerk in recent months.

Chairman explained that it was considered appropriate to discuss matters at a meeting post [REDACTED] resignation. Cllr Braithwaite had not been able to attend the meeting held for this purpose on 19<sup>th</sup> January so this meeting's Agenda had been re-arranged to enable this discussion to take place, as all Cllrs present on 19<sup>th</sup> January considered it a pre-requisite to being able to resume proper Council business effectively. Chairman asked Cllr Braithwaite if there could now be a discussion at this meeting about the letters/emails, their timing and his motivation for sending them. Would he like to explain the motivation behind the correspondence he had sent since September 2015 as enclosed in the bundles?

The Chairman confirmed that she had been shocked to receive the letter of 26<sup>th</sup> September 2015 as it had followed a PC meeting that she had thought went very well.

Cllr Braithwaite stated that he was disappointed if his actions had caused upset. When he had stood for election he had said that the village needed conversations; it had not been a happy place and people had said to him that they had felt bullied/suffered threats. In his professional life he would normally write to people/speak to them personally to address things. Several Cllrs pointed out that the PC has to operate in meetings. It does not function by the conduct of conversations behind closed doors. This had been pointed out several times.

Both the Chairman and Parish Clerk stated that Parishioners do contact the PC and conversations are had, but they were done within the structure of an Agenda and a Meeting. The outcome of those discussions may not always be what some parishioners want.

Cllr Braithwaite said that he understood from conversations he had with certain parishioners that people were unhappy and he undertook to use his position as Councillor "to see what had gone on".

Cllr Reynolds and the Chairman challenged the use of those words which by their very nature implied something untoward. Nothing had "gone on" other than properly dealt with within PC structures/procedures. They were aware of some people who criticised the Council being ones who did not actually attend Council meetings, but who were, presumably listening to other's second hand accounts.

Cllr Reynolds stated that as Chairman under the previous PC he had several years of what he considered to be bullying by Cllr Braithwaite, his [REDACTED] and [REDACTED]. Further, the Chairman stated that various parishioners had received bullying emails from [REDACTED] and indeed that behaviour had led to establishment of sub-committees to assist in initial work relating to feasibility of obtaining planning permission and, later, funding, to take place in camera as villagers were reluctant to assist because of behaviour that they had witnessed and experienced from [REDACTED] trustees and supporters. She did not accept that any bullying behaviour had come from the PC. Behaviour to which people took exception (from [REDACTED])

Signed.....

*Josephine Leane*

7<sup>th</sup> March 2016



included rude and aggressive emails copied to many parties, often at weekends, angry telephone calls and confrontations in public places in the village.

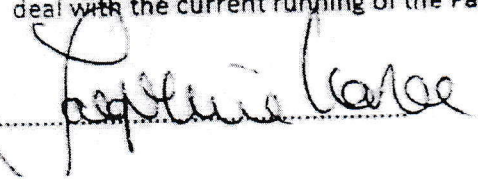
The Chairman asked Cllr Braithwaite if he had been specifically asking parishioners to criticise the PC to which Cllr Braithwaite stated "no".

When the Clerk asked who felt bullied and how had that bullying taken place Cllr Braithwaite did not respond. He did though question why correspondence had been shared with many recently from a parishioner about the winding up of [REDACTED]. It was pointed out that such correspondence came about because [REDACTED] had threatened a parishioner, through correspondence with the Council, accusing [REDACTED] of bullying. [REDACTED] was exercising her right to counter those attacks and to defend [REDACTED] actions. [REDACTED] created the argument by recent (pre Christmas) correspondence. They could hardly be surprised if someone they threatened would stand up for [REDACTED] self.

The Parish Clerk stated that the day to day functioning of the PC was being impacted upon by the behaviour of Cllr Braithwaite. Considerable hours were being spent dealing with hostile correspondence from him and this could not continue, otherwise her goodwill at not billing the PC for all of the hours worked would have to cease and the PC finances would be seriously impacted upon with Clerk's wages. Furthermore, she considered Cllr Braithwaite was using bullying behaviour towards her, even as recently as his email of 18<sup>th</sup> January saying "Finally, I note that you, in your role as Proper Officer, have refused me sight of and access to documents relating to council affairs, that I am advised are my rights as a duly elected Parish Councillor."

The timing of the November email, three quarters of an hour before the new Parish Clerk's first meeting is seen by her as an attempt to bully. She couldn't help noticing the different tone of emails sent to her by Cllr Braithwaite that same day, both before and after the offending one. Cllr Braithwaite said that he was just in a rush. Nothing was meant by it. The Clerk said she was not convinced by that reply. She is an employee of the Council. That behaviour breaches employment law. It cannot be repeated. The Clerk asked if Cllr Braithwaite had shown that email or a draft of it anyone else before he sent it to her. She said she was asking that primarily because of the long lapse of time between Cllr Braithwaite receiving the standing orders from her and sending the email on the 23 November. He replied "No, I don't think so". The Chairman stated that she had not read the email prior to the meeting. Had she done so she would have been perplexed and non-plussed; she found it incredible that anyone would even think that a Councillor would alter standing orders alone or that a Clerk would hide the fact.

Cllr Braithwaite said that the VH sub-committee was one issue he felt he should look into. He felt that he was entitled to see documentation as a Cllr. Chairman stated that the [REDACTED] had set those meetings up specifically at the time as confidential because of behaviour from [REDACTED] and the impact on villagers' willingness to get involved (see above). The terms of reference were set in public meetings. Those terms of reference included that the non councillor members' identities would be confidential and the meetings were brought to the PC meetings by the Cllrs serving on the sub committees. Those recommendations were discussed at PC meetings, voted on as appropriate and recorded in minutes. The fascination with sub-committee was therefore completely misplaced - they were supportive and advisory only; they had no power whatsoever. The meetings were in camera for the reasons just described. Not only was it not appropriate for those to be looked at by someone who was not part of them - there is no "need to know" nor is it the case that a Cllrs is appointed to spend time looking back at the previous Council and criticising it. Cllrs are appointed to deal with the current running of the Parish, with an eye to future consideration. That is

Signed 

7<sup>th</sup> March 2016



what the precept is for. It is not raised from parishioners for an incoming Cllr to spend time and money looking back. Cllr Braithwaite does not need minutes of sub-committee meetings, is not entitled to them because of terms of reference and the fact that those sub-committees had no power. Cllr Braithwaite has not been appointed by the Parish as a "moral arbiter".

The Parish Clerk points out that Cllr Braithwaite's own Solicitor's letter supports what Cllr Braithwaite is being told by others.

Cllr Reynolds questioned why Cllr Braithwaite had seen fit to go to a Solicitor. Cllr Braithwaite explained that he had obtained copies of standing orders from others and had seen that a website of the Parish that the former Parish Clerk was also a clerk too had standing orders available on it. That is not the case with the Monks Eleigh website. Cllr Braithwaite thought that was odd. He obtained copies from others and compared them with precedent standing orders and saw a few differences although they were broadly in line. He asked for copies, and was provided with those by this Parish Clerk. He couldn't understand the differences hence the November email. It was pointed out that it seems extraordinary that Cllr Braithwaite had concluded that two websites being different was evidence of something untoward. We don't know how the other Parish website was set up. We agreed at the outset of this Council in May that we would have to review standing orders and other protocols. Sadly there has not been time. Councillors questioned why Cllr Braithwaite did not just ask the others rather than asking people from outside the Parish Council and drawing unsavoury conclusions.

The Chairman asked whether Cllr Braithwaite's solicitors firm, with whom she deals in her professional life has been told by Cllr Braithwaite that she has tampered with standing orders as that would be very serious (the inference in Cllrs Braithwaite's November email). Cllr Braithwaite said, very quickly, "No, certainly not".

Cllr Braithwaite said that in his pre-election flyer to the villagers he had said that he was in favour of the building of a new hall on the recreation ground. At that time that was his view, despite subsequent concerns. He had lent his support to the proposals for the Education Centre bid (use for old school building) but that did not detract from his support for the new village hall.

Cllr Braithwaite said that, having been told before Christmas of parishioners' concerns relating to Church Walk and a member of [REDACTED], that he had advised the parties concerned that "of course they should write to the Parish Council about their concerns". He confirmed that he now understood why he was being refused access to those documents but then stated that he believed in transparency (albeit the Chairman had just explained why the meeting was in camera.)

Cllr Forrest, addressing Cllr Braithwaite said she was very "saddened" at the content of the emails/correspondence. Both Cllr Day and Cllr Forrest asked why he had sent the request for information to the PC. Why had he not asked the VHT? Clerk indicated her concern that Cllr Braithwaite thought he could use his role as a Cllr and the Standing Orders to obtain a copy of the confidential information. If he did want to ask these questions of the PC then surely it was best to sit down at the table and discuss it as they were now instead of sending hostile letters/emails. The Clerk indicated that indeed the Chairman had in her letter of response dated 2<sup>nd</sup> October 2015 stated "Openness and transparency dictate that we deal with matters in meetings of the full Council, in most cases.....If you have concerns/suggestions please let me have a suitable agenda item", but this had been ignored and further disruption had ensued.

Signed.....

*Josephine Leaver*

7<sup>th</sup> March 2016



Cllr Day also stated that he was disappointed with Cllr Braithwaite with regards to the correspondence and the bullying of the Chairman and the Parish Clerk. It was a very young PC, only being formed in May 2015. The Clerk had only been with the PC since October 2015. Cllr Day did not want to lose another Clerk and another Cllr because of Cllr Braithwaite's behaviour.

The Chairman said that she felt that Cllr Braithwaite had no respect for her as the Chairman. She had been shocked that Cllr Braithwaite felt it appropriate to hand deliver a letter (with a copy Solicitor's letter attached) to [REDACTED] on the evening of 23<sup>rd</sup> December 2015. He must have appreciated that it would cause further worry [REDACTED]. She had met with [REDACTED] and the Clerk on the Christmas Eve morning, and [REDACTED] confirmed that [REDACTED] after reading yet another piece of correspondence from Cllr Braithwaite. The Clerk asked Cllr Braithwaite why he hand delivered the letter on the 23<sup>rd</sup> December. Could his letter not have waited until after Christmas? Cllr Braithwaite said he felt that it was important and he was going on holiday after Christmas. The Clerk said that she felt strongly that Cllr Braithwaite should send a letter of apology to [REDACTED], to which Cllr Braithwaite did not respond. The Chairman had also noted a pattern in that much of the offending correspondence appeared to be sent by Cllr Braithwaite as he was about to go away, with no regard for the pressures/timetables of the recipients. The 23<sup>rd</sup> December letter to Cllr [REDACTED], notably, was served just before Christmas when Cllr Braithwaite would have known that Cllr [REDACTED] and [REDACTED] were at a Christmas [REDACTED]. The other pattern that had emerged in timing and subject matter, was a clear similarity between correspondence received from [REDACTED] and certain parishioners and Cllr Braithwaite. Cllr Braithwaite seems to have a marked conflict of interest.

The Chairman questioned whether Cllr Braithwaite does really believe in "conversations" in the true sense of the word because answers to his correspondence had, in several cases led to silence by Cllr Braithwaite, until the next combative letter/email on a slightly different subject. She noted that he had not responded to any emails about the additional meeting until the date was set, despite specific requests from the Clerk that he advise her of his availability.

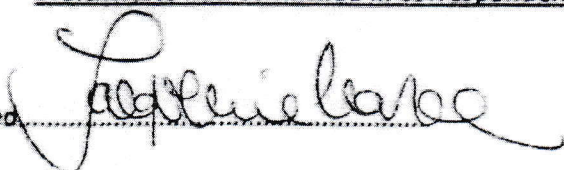
Cllr Day said that he had asked Cllr Braithwaite in an email specifically what his concerns were. Cllr Day was amazed that Cllr Braithwaite saw fit to completely ignore Cllr Day; no answer, nor even an acknowledgement was received from Cllr Braithwaite to Cllr Day's email.

The Parish Clerk said that she considered Cllr Braithwaite owed an apology, in writing to [REDACTED], to her, the Chairman and other Councillors, who had attended two extra meetings to deal with consequences of Cllr Braithwaite's behaviour. Others, including the Chairman indicated agreement. Cllr Braithwaite did not comment.

Cllr Forrest asked if they could now move forward together as a PC? The Chairman said that she did not want a repeat of this type of behaviour. Cllr Braithwaite said that he wanted to get on with the footpaths and highways work.

With regards to item 11 on the Agenda and the subject matter of the new village hall, Church Walk, December correspondence and challenges from [REDACTED], the Chairman proposed that Cllr Braithwaite be excluded from that part of the meeting and future meetings, on the basis that Cllr Braithwaite's [REDACTED] is a Trustee of [REDACTED] and Cllr Braithwaite had confirmed in correspondence that he was aware of the letter from [REDACTED]

Signed



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and from [REDACTED] and there appears a pattern of subject matter/challenges in correspondence. Cllr Reynolds seconded the proposal. Cllr Braithwaite confirmed that he would exclude himself from that part of the meeting and those discussions in future. He is not to have access to any information about those matters.

At the Chairman's request, Cllr Braithwaite then left the meeting.

#### Appendix A

I am sorry to be absent this evening but I have to attend the Fire Service Consultation meeting at Great Walmingfield and another Parish Council meeting and do not think I will arrive with you prior the council going into closed session. Please let me know if you have any action items for me.

#### **Consultation on the future of the Fire Service in Suffolk.**

Public meetings are being held in connection with this consultation which closes on 22<sup>nd</sup> February.

- 25<sup>th</sup> January 2016 - Great Walmingfield Village Hall - 6.30 to 8.30 p.m.
- 03 Feb 2016 - Sudbury - Town Hall, 6.30pm-8.30pm

#### **Re-design of Specialist Education Provision in Suffolk**

The Cabinet in December agreed that a consultation should go ahead to look at redesigning the council's provision for children and young people with special educational needs. At present specialist primary units, which are usually attached to a mainstream school, are unevenly distributed across the county and a significant number of children affected have to be taken to establishments outside the county. This is not just inconvenient for families and difficult for the children involved, but it is also very expensive. No cost savings will be involved since the budget is a ring-fenced sum from Central Government but it is hoped to make the available resources go further. An information collecting process is currently underway with a full consultation being launched in the spring.

I am in contact with some parents in the Division who are affected and am happy to hear from any others who would like to get in touch.

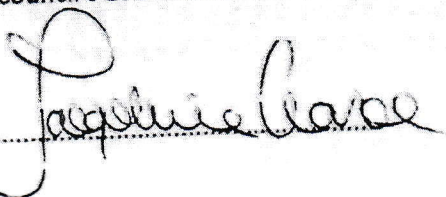
#### **Budget 2016/17**

The Budget numbers have now been reviewed in the light of the December draft settlement from Government. This was rather worse than we had forecast and we estimate that the net impact of the new figures will make us worse off by a further £8m which means that we now have to save some £80m over the next two years. We have however received a windfall of some £6m in the current year as a result of a better council tax collection ratio than anticipated. This means that although some funding for the current year will have to be met from reserves the amount will be less than expected. It is anticipated that we will be imposing the Government's Social Care Precept of 2% (which is ring-fenced for Adult Social Care) but that general council tax will be unchanged from last year. Issues related to the budget are very complicated, but I am happy to discuss these further with anyone who would like to know more.

#### **Residents invited to have their say on council services**

Residents of Suffolk are being invited to have their say on council services by taking part in Suffolk County Council's 2016 residents survey.

Signed.....



7<sup>th</sup> March 2016