

DEBDEN PARISH COUNCIL

MINUTES OF AN EXTRAORDINARY MEETING OF DEBDEN PARISH COUNCIL HELD ON THURSDAY, 13th FEBRUARY, 2014 IN THE CHURCH ROOM, DEBDEN.

<u>Present:</u>	Cllr A, Tetlow	(AT)	Chairman
	Cllr R. Forster	(RF)	
	Cllr S. Jasper	(SJ)	
	Cllr S. Luck	(SL)	
	Cllr J. O'Brien	(JO'B)	
	Cllr R. Simmonds	(RS)	

In attendance:

Mrs C. Griffin Clerk (CG)

62 members of the public

The Chairman welcomed everyone to the meeting.

14/142 Apologies for absence

Apologies were received from Cllr S. Watson (away on holiday)

14/143 Declaration of interests relating to items on the Agenda

Cllr J. O'Brien declared an interest in item 14/145 as a member of the NVHG and said she disagreed with the ruling of Mr Michael Perry, UDC Assistant Chief Executive – Legal and Monitoring Officer, but accepted the same and would not vote on that item. Cllr R. Simmonds (member of the NVHG) declared an interest in item 14/145 but said he disagreed with the ruling of Mr. Michael Perry, Assistant Chief Executive – Legal and Monitoring Officer.

Cllr R. Foster (member of the NVHG) declared an interest in item 14/145 and advised that he had been granted a dispensation by UDC.

Cllr S. Luck, read out a statement saying that as Chairman of the NVHG the group acts as facilitator to provide the PC and Trustees with relevant information and data so that they can make decisions on behalf of the village. I wish it to be minuted and acknowledged that I and the NVHG members receive no other benefit than any other resident in the village. I am therefore not compromised and am entitled to take a full part in the meeting according to the agenda and vote.

A member of the public said that if Cllr Luck voted she would challenge by way of a judicial review.

The Chairman said he did not wish Debden Parish Council to be brought into disrepute and said Cllr Luck would not be allowed to vote. The Chairman pointed out to Cllr Luck that he could be fined and disqualified from being a member of the Council.

The Chairman then invited Dist Cllr T. Knight who was present at the meeting for her opinion. Cllr Knight confirmed that all members of the NVHC have a pecuniary interest and a biased interest; they can make representations and then leave the room, as she understood it. If Cllr Luck votes he could be liable to a £5000 fine and runs the risk of bringing the Council into disrepute.

Cllr J. O'Brien advised that Michael Perry had granted her a dispensation to speak.

Sue Sheppard, Rural Community Council of Essex, said in her view members of the NVHG could vote. It was pointed out that members of Debden Parish Council are answerable to Michael Perry, Monitoring Officer at UDC, not RCCE.

Cllr O'Brien questioned whether Cllr Tetlow and Cllr Jasper could vote as they have not lodged a register of interest form at UDC.

The Clerk said as far as she was aware they could vote on item 14/145 because they did not have an interest. Dist. Cllr Knight, who was invited to speak by the Chairman, said that all Councillors have a duty to register their interests and if any members have not she would urge them to do so. However, as long as they had declared any interests, if any, on the agenda then they were entitled to vote.

14/143 Public participation session

Sue Shepherd of RCCE said she has provided advice and guidance to the group and understood it was on behalf of the Council. If a significant amount is secured, a loan from the PWLB is a fair way of doing this to support a community facility.

Cllr Luck said that if the Precept is put in place now and we get grants and donations there are people who will work with us and we can reduce the amount of money we borrow. We would then be in a position to match fund. We are working together to get a new Village Hall.

A resident pointed out that the NVHG did not go to the village. A group of people have now gone to every single house in the village and asked the right questions.

Another resident raised an issue regarding the questionnaires and why they were numbered. These were numbered because they did not want to run the risk of duplications being made as it was only one questionnaire per household, they had sent out 325 and 50% of householders have responded. The people of the village have spoken!

One resident said her form had not been picked up and Cllr Forster said they would continue the survey so they still had time to submit their questionnaire.

It was pointed out that the survey was not sanctioned by the PC. The survey was organised by a completely separate group, not the PC. The forms were returned to a box in the Shop marked "Parish Clerk" as the group did not want these confused with the other NVHG surveys which were available from the Shop. All the forms returned will be held by the Parish Clerk and the results, when analysed, will be published.

It was highlighted that the survey was carried out because some people in the village had no idea what was going on and they would be forced to pay for this on their Council Tax. Some have said they are not paying as they are already struggling. One member of the public who felt she would be one of the hardest hit, felt if the village does not go ahead now we would not get a new village hall.

Cllr Jasper said everyone has a different agenda and everyone is arguing about whether the village should be committed to this. A member of the public pointed out

that much more discussion is needed. The gauge on the Village Shop has not moved in three years. If the NVHG want it they should get on and raise the money. I dare anyone to make a choice for other people! There has to be a referendum; that would be democratic. If you are asking every house for money to pay for it, everyone is entitled to have a vote on it.

If it is done properly there are lots of ways that money can be raised. The Viridor application was rushed and was rejected. If we take time and work together on a proper plan and get legal advice we can then move forward.

One member of the public picked up on a point made by Cllr Watson at the last meeting; namely we will never raise all the money needed and we will need to have a backstop. That is why the NVHG want the facility to raise the money. The new hall will be for everyone to enjoy and if we continue to argue there is a risk that we will lose sight of what this is all about.

14/145 Declaration of the facts relating to the Proposal (submitted by Cllr S. Luck and Cllr R. Simmonds)

Following the comprehensive consultation process the village has recently shown overwhelming support for a precept rise this year rather than try to fund raise and delay another year.

Some false information has been circulated recently so its worth stating the fact that the Mums & Tots group & Debden preschool provides a valuable lifeline into village life & our community. (On checking this week if it is possible move children to the barracks preschool this reveals they have a waiting list of 4 children)

Those who have been involved in fund-raising the longest believe that a precept loan will inevitably play some role in financing a new hall.

As long ago as 2004 a New Hall scheme failed at this point due to lack of funding.

The PWLB loan interest rate is fixed for the full term and now is at an advantageous rate for borrowers.

Various figures for the increase in council tax will be reviewed later in the year as the project develops. Eg a loan of £200,000 over **20 years** would cost a Band D household approximately £91.80 (up from the present £41:43) Or putting it another way 97p/week.

If it was decided that fund raising had not worked and a £400,000 loan was needed an example of £400,000 over **50 years** gives a cost of £62/year or 39p/week

As evidenced by other local village hall accounts the new hall may generate sufficient revenue to contribute to any future loan repayments.

As parish councillors wearing two hats, those that are on the NVHG are acting in the best interests of residents.

Parish councillors are aware of the conditions attached to the loan as offered to the village at the public meeting by NVHG and that these are now encapsulated in the proposal, ie points (i) to (vi) below.

This is the fairest way to share the cost across the whole community and it is the whole community that will benefit from the new hall.

Some residents are concerned that if the resolution does not get support, there is a possibility that the hall trustees may feel disinclined to continue running a hall that is not fit for purpose, and has no forward business plan. In that case responsibility for the hall might fall on the Parish council.

As part of due process for taking out a PWLB loan the PC should be ready to deal with penalties for early repayment.

The conditions (i) to (vi) outlined below should satisfy the requirements of other possible grant providers.

An increase in precept now avoids the risk of an interest rate rise, and the real possibility of imposition of VAT on new buildings. On a £400,000 building VAT is a significant cost penalty

If it is decided to only apply for a £200,000 loan to complete the shell of the building this step would reassure the community and potential funders of the commitment to the project who although reluctant now might then come forward.

Advice from an authority has pointed out that it would be prudent to increase the precept BEFORE a loan is applied for.

Issues of design of the hall can be met under point (iv) below but it should be remembered that the design as submitted incorporated residents' suggestions at a Public Meeting and was approved by the PC. Changes may result in further fees and expenditure.

This measure to plan ahead by raising the precept is an insurance policy against failure to secure funding from within the community and from grant providers, and to that extent it remains a matter of last resort.

Proposal

That the Parish Council initiate measures to build a new village hall by setting a precept for 2014/15 year as per the Budget agreed at the Parish Council Meeting on 9th January 2014, adding an additional sum of £18,000 to enable the Parish Council to apply at a later date for a loan as required to fund repayments to Public Works Loans Board (PWLB) before 1 April 2015.

The PC will oversee the project and the funds from the loan would be transferred to the Village Hall Trustees to put towards the construction of a new village hall but this would be only on the understanding that:

Point (i) The loan will only be taken out in the event that an amount equivalent to a loan from the PWLB of a suitable amount cannot be obtained during 2014/15 through fundraising or by other means.

Point (ii) Final planning permission has been obtained and a business plan is in place

Point (iii) Final costs for the new hall have been obtained based on receipt of competitive tenders.

Point (iv) The Parish Council is satisfied that the project has the support of the majority of the residents of Debden

Point (v) The Parish Council has explored the means by which relief is available to residents who cannot afford to pay any increase in council tax arising from the PWLB loan facility and the advice is for them to contact Uttlesford District Council.

Point (vi) Once the loan sanction has been agreed by central government the Parish Council then has the authority to borrow up to the total amount of the loan sanction. The Parish Council is not required to borrow more than it needs, if the amount needed is lower than the agreed sanction total.

If the loan is not required for any reason, the Parish Council would be required to inform central government that the loan sanction would not be used.

Proposed Stewart Luck Seconded Richard Simmonds

During item 14/144, the Clerk advised that several comments had been received regarding this agenda item. It was drawn up by Cllrs. Luck and Simmonds with the help of Joy Darby of Essex Association of Local Councils and Joy Darby confirmed that it is lawful.

As there has been no prior discussion at Council meetings on a loan from the PWLB, the Clerk has been advised that the Council should consider:

- Does the village want a new Hall? Is there clear evidence?

- Do the Council want to increase the Precept in order to obtain a loan for a new Village Hall? Do they want the responsibility?
- Do the Council have enough information?
- Will the Hall be sustainable?

Also, in 2001 the National Association of Local Councils said “they would not advise any arrangement for a permanent building to be erected by the Village Hall Committee on land owned by the Council. This situation can create legal problems and I can see no advantage in it” This has been a long time ago but it would be advisable to have this checked.

Independent legal advice was suggested by Stephen Joyce at UDC. If this is not obtained and something goes wrong I understand the Council runs the risk of an independent judicial review.

Also, the Internal Auditor’s view was:

- He was shocked at the EALC advice. A proper process needs to be followed.
- Increasing the Precept by £18,000 is a major decision
- The Council and future Councils will be liable for this for many years. It is the organisation which takes out the loan that is responsible and liable.
- As the Council would be liable has a proper feasibility study been carried out
- Has refurbishment of the old hall been considered?
- Has a business plan been done?
- What will be the estimated income?
- Has the Council considered the extra costs for the PC?

Cllr O’Brien said there had been discussion on a loan from the PWLB in January 2013.

Joy Darby had advised that the Precept to cover the Council’s Budget could be dealt with separately under this proposal.

Cllr O’Brien objected to this.

It was proposed that the Precept for 2014/15 should be set at £15,950 (£15,312.00 plus £638.00 UDC grant) to cover the Council Budget agreed on 9th January.

Proposed: S. Jasper Seconded: A. Tetlow Agreed: R. Forster

The Council was unable to vote on the additional amount as following a totally inappropriate remark by Cllr Luck to members of the public the Chairman closed the meeting.

The meeting closed at 9.05pm.



COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

Title:	Cllr.
First name:	Tina
Last name:	Knight
Address:	P.O. Box 44, Saffron Walden Essex CB11 3ND
Daytime telephone:	01799 540881
Evening telephone:	01799 540782
Mobile telephone:	
Email address:	Cllrknight@uttlesford.gov.uk

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Are you a:

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the standards committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
Cllr.	Stuart	Luck	Debden Parish Council

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the monitoring officer and independent person when they decide whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.

- You should say whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

please see attached sheet

Only complete this next section if you are requesting that your identity is kept confidential

5. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:
- Disclosure of your identity or the details of your complaint may prejudice the conduct of an investigation
 - There is a real threat of reprisals against you or members of your family

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The monitoring officer and independent person will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please also be aware that once an investigation has been carried out if a hearing is required to determine whether there has been a breach of the Code such hearing would normally be held in public and the investigators report (which will contain details of your complaint) is almost certain to be a public document.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

6. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

It is with great regret that, due to the number of complaints I have received, I have to report Parish Councillor Stuart Luck for gross breaches of the Code of Conduct.

3.1. Cllr. Luck showed appalling disrespect to both the Parish Clerk and the Chairman of Debden Parish Council, and the Monitoring Officer of Uttlesford District Council. . He shouted down both the Chairman and Parish Clerk when they were trying to explain the legal procedures of the Parish Council. The Parish Clerk had asked for any declarations of interest. Instead of declaring a Pecuniary Interest as had been advised by both the Parish Clerk and the Monitoring Officer at a private meeting at UDC he said that he did not accept he had a Pecuniary interest, he thought the rules were stupid and he was going to have his say and vote. Both the Parish Clerk and the Chairman told him that he could not do this, he said that he didn't care and he was going to do what he wanted. At this point the Chairman of the Parish Council asked me for an explanation of the rules. (I was attending the meeting as a member of public and was sat in the audience). I explained that whether Cllr Luck agreed with the decision or not the fact remained that he had a Pecuniary interest and as such could not vote, if he did he would not only be liable to disciplinary action he also ran the risk of bringing the Parish Council into disrepute. (at this point Cllr Luck called me a liar) He stated that he didn't care, he inferred that the rules were stupid and he thought the Monitoring Officers advice was incorrect. The Chairman told him that he could not vote, he said he was going to, the Chairman then told him that he could bring the Council into disrepute, he said he didn't care. The Chairman then asked me about the situation and I said that if Cllr Luck chose to take that route I would have no choice but to make a legal challenge.

3.2. Cllr Luck refused to observe the protocols or codes of practise adopted by the authority.

3.3.2. Every time the Parish Clerk tried to bring the meeting to order and read out the rules he shouted her down. This in my opinion was bullying the Clerk.

3.3.7 Cllr Luck's behaviour at the meeting by disobeying the Parish Clerk and Chairman, making derogatory remarks about the Monitoring Officer at UDC and his total arrogance and dismissal of both the rules and comments being made by the Members of the Public was appalling and, I should imagine, from the Chairman and Parish Clerk's point of view extremely embarrassing. This culminated with Cllr Luck swearing at the members of the public – the exact quote was '...and as for you idle shits at the back' at which point the whole room erupted, a resident immediately stood up in a rage and said 'how dare you speak to us like that – I certainly don't want to live in a village like this ' and stormed out of the meeting. I said that Cllr Luck has breached the code of conduct, whether this was heard over the melee that had ensued I do not know, however, the whole situation was so bad that the Chairman had no alternative but to close the meeting. I understand from members of the public that have since complained to me that further hot words were spoken but I had run after the member of public to comfort her as she was so distraught.

Unfortunately, it was apparent that some of the more recent Councillors were really not au fait with either the rules or the conduct expected of Councillors. Disparaging remarks were made to the Parish Clerk by some Councillors, her attempts to explain the rules were disputed and argued with and one Councillor inferred that the Clerk was lying which brought a barrage of complaints from the members of the public as the Parish Clerk is held in very high regard in the village. The Chairman showed immense control and behaved totally professionally when Cllr. Luck kept arguing with him and refusing to be guided by him. He gave Cllr Luck every opportunity to understand his behaviour was unacceptable and to guide him, Cllr Luck chose to ignore him. Whether the Parish Clerk or Chairman make a complaint about the respective Councillors and their behaviour, is their decision, I reserve the right to possibly do so, if necessary, at a later date, I just feel that the conduct of Cllr. Luck was so appalling that I must bring this complaint to your notice as soon as possible as I fear that the Parish Clerk will continue to be disrespected and bullied at future Parish Council meetings where there will be few members of the public to witness this or protect her. I, therefore, feel this matter must be addressed as quickly as possible.

I have not included names and addresses of witnesses at this stage as there were approximately 80+ members of the public in attendance who witnessed this appalling display. However, I was sitting next to a number of people who were present and also complained and will list them below as a number of them said they would be making their own representations. I am sure they would be more than willing to substantiate my report.:-

Mr & Mrs Blackie

Mr & Mrs Downs

Mrs Jill Rowland

Mrs Karen Roper

Mrs Gillian Lee

Mrs Jill Smith

Michael Perry

From: Chris Ward <chriswardlives@hotmail.com>
Sent: 27 March 2014 21:05
To: Michael Perry
Subject: Complaint made against Stewart Luck

Dear Mr Perry,

I have been asked by Cllr Stewart Luck to write a statement in his support. Whilst I do not make statements in 'support' of individuals, I do however write an account of events, which in this case will be at variance with those expressed by the District Cllr, Tina Knight.

I should also state from the outset that my own views on the subject of a new village hall differ from those proposed by the New Village Hall Committee and are more closely aligned with a remark made by District Cllr Knight at a previous meeting. My point being that I have no hidden agenda in writing to you, only a sense of fairness.

Cllr Luck has forwarded a copy of the allegations of e-mails sent to him by yourself and also a copy of the allegations made against him.

I note that his questioning of the ruling made by yourself is to be disregarded. However, I believe that the quoting of the ruling had a great bearing on the conduct of the meeting in general. It appeared to me that the question of whether Cllr Luck was entitled to vote on the matter had been discussed prior to the meeting and that you had been consulted. Opinions were then voiced as to whether this ruling was correct. There appeared to be a great deal of confusion. I feel that if your opinion had been sought in the matter and Cllr Luck been presented with a written ruling, rather than hearsay, then the stand he took may have been negated.

The phrase 'pecuniary advantage' was also used to deter him from voting. My own understanding of this term is monies gained by fraud, or deception. Whilst I am not in agreement with the proposed methods to obtain the funds for the new hall at that meeting were correct, I do not believe that this was an appropriate term to use.

Cllr Luck was informed by D.Cllr Knight that if he persisted in his resolve and voted, he could be liable to a censure and a considerable fine. Following further discussions and consideration, Cllr Luck, when again asked, stated that he would be prepared to accept those terms, as he believed that he was entitled to vote.

My own opinion on the whole vote is that I found it unacceptable that so few individuals had the right to increase my council tax without at least a formal referendum taking place.

The meeting was extremely emotive and opinions were expressed that, in my opinion, made such a vote untenable and I do not believe that one could have taken place, or indeed allowed to, even before the unfortunate remark made by Cllr Luck. It is stated that his remark may have culminated in the meeting being closed (I know there was confusion as to whether this had occurred), but the whole affair had by this time become so unruly that it appeared inevitable anyway.

Regarding allegations made about Cllr Luck's conduct, I recall that his behaviour was calm and reasoned. An impassioned debate took place. Everyone was allowed to freely express their opinion on the matter. My recollection is that the Clerk had to be invited to express an opinion.

As the aggrieved female was walking out of the meeting I distinctly remember Cllr Luck apologising for the remark he had made, which incidentally had not been directed at her personally. I recall that she 'presumed it had' before exiting.

Being one of the first to exit the meeting after her I spoke to her as she sat in her car and enquired as to her well-being. She appeared aggrieved, but reasonable and expressed thanks for my concern. I remember that there was another unidentified male present at the time. I was not present when D. Cllr Knight claims that she spoke to her.

I further believe that some aspects expressed in the complaint have been written in such a way as to demonise Cllr Luck's behaviour and are taken out of context against the demeanour of the meeting as a whole (which is not mentioned in the complaint).

Yes, Cllr Luck did in my opinion utter an unfortunate remark.

I do not recall him shouting anyone down.

I do not believe that his conduct was 'bullying' to anyone.

I do not recall him calling D. Cllr Tina Knight 'a liar'.

In conclusion I believe the complaint to be ill-founded, as a written interpretation of voting rights should have been available to all parties. The lack of such contributed to the confusion which occurred and added to the already considerable strength of divided opinion over the matter in hand.

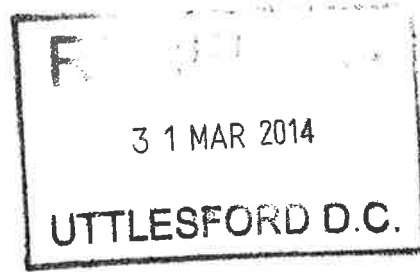
Should you require any clarification, or assistance in my interpretation of events, please feel free to contact me.

Yours sincerely,

Chris Ward

Attn Mike Perry

From Stewart Luck



These are my answers to the questions you raised.

1. Did you "shout down" the Chairman of the Parish Council during the precept setting meeting of the Parish Council when he was trying to explain procedures?

Answer.....NO

2. Did you "shout down" the Parish Clerk during the precept setting meeting of the Parish Council when she was trying to explain procedures?

Answer.....NO

3. During the course of that meeting did you call/refer to Cllr Knight as "a liar"?

AnswerNO

4. During the course of the meeting did you refer to some members of the public as "you idle shits at the back"?

Answer.....NO

5. Do you agree that the Chairman of the Parish Council called the meeting to an end before the transaction of business had been concluded because of disturbance at the meeting?

Answer.....NO

6. Do you consider that your conduct was the cause of the Chairman closing the meeting?

Answer.....NO

7. If the answer to 6. above is in the negative do you consider that your conduct was a contributory factor to the Chairman's decision to close the meeting?

ANSWER.....YES & NO

7 Witness statements enclosed you may get others via e mails.

28 MARCH 2014

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Hi Stewart

Just to let you know that I'm happy to be a witness for you and will complete the statement and return to you in the next couple of days. I've run out of time today but have some emails to complete before holiday on Monday, yours included and will get back to you before then.

Best wishes

Sue

Sue Sheppard
Village Halls & Community Buildings Adviser
Rural Community Council of Essex
Threshelfords Business Park
Inworth Road
Feering
CO5 9SE
Tel: 01376 574330
Website: www.essexrcc.org.uk

Witness Statement

1. Did Stewart "shout down" the Chairman of the Parish Council during the precept setting meeting of the Parish Council when he was trying to explain procedures?

Answer.....No

2. Did Stewart "shout down" the Parish Clerk during the precept setting meeting of the Parish Council when she was trying to explain procedures? ~~NO~~

Answer...No

3. During the course of that meeting did Stewart call/refer to Cllr Knight as "a liar"?

AnswerNo

4. During the course of the meeting did Stewart refer to some members of the public as "you idle shits at the back"?

Answer...No - SEE BELOW

5. Do you agree that the Chairman of the Parish Council called the meeting to an end before the transaction of business had been concluded because of disturbance at the meeting?

Answer.....No

6. Do you consider that Stewarts conduct was the cause of the Chairman closing the meeting?

Answer.....NO

7. If the answer to 6. above is in the negative do you consider that Stewarts conduct was a contributory factor to the Chairman's decision to close the meeting?

Answer.....YES (SEE BELOW)

NameALAN HYNES.....

Address7 SMITHS GREEN, DEBDEN, CB11 3LP.....

Phone No.....01799 540078.....

Notes of explanation

4. ABOVE. As I remember, Stewart's remark was to the effect that most of the noise and dissension was coming from an extremely volatile and rude section of the audience, none of whom were involved with any of the large amount of work done on this project. 'a lot of noise from people at the back who have done Jack shit' was his retort as nearly as I can paraphrase. Untorgivable but understandable in my view.

26 7. above. The bulk of rudeness and shouting down came from people who were against the proposal. I judge the 50% majority were in favour. Chairman played into the hands of

Witness Statement

1. Did Stewart "shout down" the Chairman of the Parish Council during the precept setting meeting of the Parish Council when he was trying to explain procedures?

Answer....NO

2. Did Stewart "shout down" the Parish Clerk during the precept setting meeting of the Parish Council when she was trying to explain procedures?

Answer....NO

3. During the course of that meeting did Stewart call/refer to Cllr Knight as "a liar"?

AnswerNO

4. During the course of the meeting did Stewart refer to some members of the public as "you idle shits at the back"?

Answer.....NO

5. Do you agree that the Chairman of the Parish Council called the meeting to an end before the transaction of business had been concluded because of disturbance at the meeting?

Answer...NO

6. Do you consider that Stewarts conduct was the cause of the Chairman closing the meeting?

Answer....NO

7. If the answer to 6. above is in the negative do you consider that Stewarts conduct was a contributory factor to the Chairman's decision to close the meeting?

Answer...NO

NameDAVID WILSON.....

AddressCONNORS WELL, HIGH ST. DORSET CB11 3LE.....

Phone No.....07710 718068.....01799 541520

Notes of explanation

I was in the front row of this meeting and witnessed the entire events. The room was packed and the audience were highly charged. The Chairman explained the voting procedures. These procedures definitely upset many parishioners. They felt let down by the councilors and feared political shenanigans were afoot. Behind me there was constant talking, shouting and interruptions. The most vocal outbursts coming from our District councilor who dished out threats of £5,000 fines to Stewart Luck and fines for councilors in general. The decision on the precept was voted on and passed. Many anti village hall people tried to turn the meeting into a village hall debate, this was not the purpose of the meeting. The meeting was closed officially and ended in a highly charged disarray. Mr. Luck kept his composure and I never heard him raise his voice at this meeting or in general. He was not rude to any individual.

David Wilson

Witness Statement

1. Did Stewart "shout down" the Chairman of the Parish Council during the precept setting meeting of the Parish Council when he was trying to explain procedures?

Answer.... **NO**

2. Did Stewart "shout down" the Parish Clerk during the precept setting meeting of the Parish Council when she was trying to explain procedures?

Answer..... **NO**

3. During the course of that meeting did Stewart call/refer to Cllr Knight as "a liar"?

Answer **NO**

4. During the course of the meeting did Stewart refer to some members of the public as "you idle shits at the back"?

Answer.....**NO**

5. Do you agree that the Chairman of the Parish Council called the meeting to an end before the transaction of business had been concluded because of disturbance at the meeting?

Answer..... **NO**

6. Do you consider that Stewarts conduct was the cause of the Chairman closing the meeting?

Answer..... **NO**

7. If the answer to 6. above is in the negative do you consider that Stewarts conduct was a contributory factor to the Chairman's decision to close the meeting?

Answer..... **IF SO THEN IT WAS ALONG WITH A LOT OF OTHER PEOPLES' CONDUCT**

Name ..SUE WOLFF

Address ..CHARMILY, DEYNES ROAD, DEBDEN CB11 3LG

Phone No : 01799 54369

Notes of explanation:

Question 4. I thought it was idle folk at the back who do jack-shit but it was not directed at any specific person.

This meeting was heated and lively from the outset, as was expected. There were a lot of raised voices and comments but no-one was 'shouted down'. I do not recall Cllr Luck being rude or calling Ms Knight a liar – I do remember Ms Knight being rude to the lady from the Council who advises on village hall projects and had given up her time to attend the meeting.

One person interpreted Cllr Luck's (admittedly ill-advised) comments as a personal slur, which it was not, and angrily left the room. This was the cause of the end of the meeting. It seemed that some members of the PC were relieved this had happened and so the meeting could be closed before things were more fully resolved.

Cllr Luck's words were unfortunate but this demonstrates the depth of passion behind this whole issue, which is what the village needs. I know he has the strength to carry on with what is in the best interest of the village and what most of the village ultimately supports. I suspect this enquiry is the result of personal issues from certain people of influence against Cllr Luck and the matter should be dropped without delay and with no further stain on Cllr Luck's integrity.

Witness Statement

1. Did Stewart "shout down" the Chairman of the Parish Council during the precept setting meeting of the Parish Council when he was trying to explain procedures?

Answer...*No*

2. Did Stewart "shout down" the Parish Clerk during the precept setting meeting of the Parish Council when she was trying to explain procedures?

Answer...*No*

3. During the course of that meeting did Stewart call/refer to Cllr Knight as "a liar"?

Answer...*No*

4. During the course of the meeting did Stewart refer to some members of the public as "you idle shits at the back"?

Answer...*SEE EXPLANATION*

5. Do you agree that the Chairman of the Parish Council called the meeting to an end before the transaction of business had been concluded because of disturbance at the meeting?

Answer.....*MAYBE*

6. Do you consider that Stewarts conduct was the cause of the Chairman closing the meeting?

Answer...*SEE EXPLANATION*

7. If the answer to 6. above is in the negative do you consider that Stewarts conduct was a contributory factor to the Chairman's decision to close the meeting?

Answer.....

Name MARK PARRETT

Address 2 SMITHS GREEN

Phone No. 0799540918

Notes of explanation

THE MEETING GOT VERY HEATED AND LOTS OF PEOPLE HAD THERE OWN VIEW AND OPINIONS I DONT REMEBER STUART CALLING ANYONE IDLE SHIT OR AIMING INSULTS AT ANY ONE PERSON OR GROUP OF PEOPLE. AND IF SO HE APOLOGISED STRAIGHT AWAY. I MYSELF DID TALK OVER CL KNIGHT AS I TOUGHT SHE WAS TRYING TO TAKE OVER THE MEETING. YES STEWARTS CONDUCT DID HELP TO BRING THE MEETING TO AN EARLY END. BUT IT WAS NOT THE ONLY FACTOR AS THE MEETING HAD ALREADY DEGENERATED.

09

Witness Statement

1. Did Stewart "shout down" the Chairman of the Parish Council during the precept setting meeting of the Parish Council when he was trying to explain procedures?

Answer...NO

2. Did Stewart "shout down" the Parish Clerk during the precept setting meeting of the Parish Council when she was trying to explain procedures?

Answer...NO

3. During the course of that meeting did Stewart call/refer to Cllr Knight as "a liar"?

Answer ...NO

*4. During the course of the meeting did Stewart refer to some members of the public as "you idle shits at the back"?

Answer...NO

5. Do you agree that the Chairman of the Parish Council called the meeting to an end before the transaction of business had been concluded because of disturbance at the meeting?

Answer....NO

6. Do you consider that Stewarts conduct was the cause of the Chairman closing the meeting?

Answer..NO

7. If the answer to 6. above is in the negative do you consider that Stewarts conduct was a contributory factor to the Chairman's decision to close the meeting?

Answer...POSSIBLY

Name R. WILSON.....

Address CONNAS WELL HIGH ST. DEBDEN.....

Phone No. 01799 541520.....

Notes of explanation

Stewart huck has worked hard to provide the village with a new village hall.

He has been frustrated in these efforts

by people who should, and have purported to, assist him. Certain colleagues have presented double standards to the majority of the village parishioners. The meeting was disrupted by these villagers anxious to put forward their feelings

* This comment appeared to me to be addressed to the "air" and no one in particular. Stewart

Witness Statement

1. Did Stewart "shout down" the Chairman of the Parish Council during the precept setting meeting of the Parish Council when he was trying to explain procedures?

Answer... No

2. Did Stewart "shout down" the Parish Clerk during the precept setting meeting of the Parish Council when she was trying to explain procedures?

Answer.... No

3. During the course of that meeting did Stewart call/refer to Cllr Knight as "a liar"?

Answer ...No

4. During the course of the meeting did Stewart refer to some members of the public as "you idle shits at the back"?

Answer..... ~~*~~ SEE NOTE BELOW

5. Do you agree that the Chairman of the Parish Council called the meeting to an end before the transaction of business had been concluded because of disturbance at the meeting?

Answer...YES

6. Do you consider that Stewarts conduct was the cause of the Chairman closing the meeting?

Answer...No

7. If the answer to 6. above is in the negative do you consider that Stewarts conduct was a contributory factor to the Chairman's decision to close the meeting?

Answer...No

Name ...URSULA SMITH.....

Address ...2 SMITHS GREEN, DEBDEN, SAFFRON WALDEN, ESSEX.....

Phone No.....

Notes of explanation

AS REGARDS QUESTION 4, I DO NOT REMEMBER STUART
KUCK SAYING ANYTHING IDLE. HE DID SAY THE OTHER WORD
FOR WHICH HE APLOGISED STRAIGHT AWAY. STUART KUCK
HAD A DISAGREEMENT WITH Cllr KNIGHT. HE FELT SHE
WAS WRONG, BUT HE CERTAINLY DID NOT CALL HER A LIAR.
THE MEETING WAS ALREADY FANNING APART BY THIS TIME AND
I BEHUNG, WITH TALKING TO OTHER PEOPLE, THAT A VOTE OF
"NO CONFIDENCE" IN THE PARISH COUNCIL WOULD HAVE BEEN
SUGGESTED AND THE MEETING WAS CLOSED FOR THAT REASON,
WITH QUESTION 4. I FELT THAT HIS REMARKS WERE REGRETTABLE
BUT NOT TO ANY PERSON OR PERSONS IN PARTICULAR. U.S.

Witness Statement

1. Did Stewart "shout down" the Chairman of the Parish Council during the precept setting meeting of the Parish Council when he was trying to explain procedures?

Answer: No. He was putting across, forcefully, that based on the legal advice he had been given he had a right to take part in, and vote on, the issue of the precept increase. At times, several councillors and members of the public were speaking at the same time so the chairman may not have been heard, but was not shouted down.

2. Did Stewart "shout down" the Parish Clerk during the precept-setting meeting of the Parish Council when she was trying to explain procedures?

Answer: No. The circumstances were as described above. The clerk has a particularly quiet voice and may not have been able to make herself heard in the atmosphere of the meeting.

3. During the course of that meeting did Stewart call/refer to Cllr Knight as "a liar"?

Answer: No. Stewart made it clear that he disagreed with Cllr Knight's interpretation of the rules but the word "liar" was not used.

4. During the course of the meeting did Stewart refer to some members of the public as "you idle shits at the back"?

Answer: He did say the word "shit" but its use needs to be put in context. My interpretation is that he was saying he has "taken shit" and that it was an expression of frustration at the negativity that some people, including some in the room that evening, had shown towards the village hall project. It was not directed at anyone in particular. Moreover, Cllr Luck immediately apologised for using the word but the meeting broke up before the apology could be formally registered.

5. Do you agree that the Chairman of the Parish Council called the meeting to an end before the transaction of business had been concluded because of disturbance at the meeting?

Answer: Yes. It appeared he believed he could no longer control the meeting. It was not clear what, if anything had been decided about the precept. As one of the reasons I was there was to publish a report in the *Parish Pump*, I had to ask the chairman afterwards what had been decided. At the next ordinary PC meeting it was clear some councillors were not convinced a vote had been taken.

6. Do you consider Stewart's conduct was the cause of the Chairman closing the meeting?

Answer: No. It was the chairman's decision (he did not consult with other councillors) to close the meeting because tempers were rising, discussion was getting out of hand and at least one member of the public had left the meeting in a huff.

7. If the answer to 6. above is in the negative do you consider that Stewart's conduct was a contributory factor to the Chairman's decision to close the meeting?

Answer: Yes to the extent that he was central to the debate about councillors' right to vote that resulted in the meeting becoming so heated.

NameMike Fairchild.....

3 Denesyde, Thaxted Road, Debden CB11 3LW.

Phone No....01799 540529.....

Notes of explanation

It is important to read Cllr Knight's complaint in context. She makes no reference to the matter under discussion (a proposal to increase the precept to underwrite a village hall loan if needed) that was bound to be controversial and lead to a robust debate. Tempers were raised and angry comments made, but no more than one sees every day in debates in Parliament, the cradle of democracy. It is also a well known fact, publicly stated, that Cllr Knight is opposed to the current project, which is headed up by Cllr Luck, because of the precept issue. Knowing this, a reasonable person might say her account of what happened was somewhat coloured and over-emotional.

Notes of a telephone conversation with Christine Griffin on the 3 April 2014

I spoke to Christine Griffin regarding the allegations against Cllr Stewart Luck as Mrs Griffin is the parish clerk of Debden Parish Council. Mrs Griffin was present in that capacity at the meeting of the parish council on the 13 February. The meeting was an extraordinary meeting called for two purposes, namely to set the parish precept for the year 2014/15 and also to consider increasing the precept to enable the servicing of a loan to be raised to build a new village hall. At the commencement of the meeting the chairman called for apologies for absence and declarations of interest. One member declared that he had a pecuniary interest but held a dispensation from me to enable him to speak and vote. The interest declared was as a member of the new village hall group. Three other members declared similar interests but did not have dispensations allowing them to vote. Each of them stated they did not agree with the advice given by the Monitoring Officer that the interest was a pecuniary interest. Cllr Luck declared an interest but was more forceful. He said that he did not accept that he had a conflict of interest. He said that he would not benefit from any others in the village and that for that reason he could vote. The chairman asked Cllr Tina Knight for her view and she said that Cllr Luck had an interest and could not vote. She said that if he did so she would challenge the decision of the parish council. Cllr Luck's attitude was forceful and he was clearly getting uptight. Mrs Griffin does not recall Cllr Luck calling Cllr Knight a liar.

The meeting was very controversial. Members of the public were saying they had not been consulted properly and that villagers should have been asked what they wanted. They said their views had been ignored. One lady said that she had lived in the village for 3 years. There was a thermometer outside the village shop that showed that £50,000 had been raised towards the cost of a new village hall. That had not changed in the 3 years she had lived in the village. She complained that the village hall group had done no fund raising and that they should not be seeking to put the cost of the new village hall on the council tax. Cllr Luck spoke and referred to the public as "idle shits". He was aiming this comment at dissenters at the back of the village hall. The lady who had made the comments about the thermometer left as a result of Cllr Luck's comment. The chairman Andrew Tetlow closed the meeting at that point.

Note of conversation with Gillian Lee on 15 April 2014

I asked Mrs Lee if she was present at the meeting of the Debden Parish Council on the 13 February and she confirmed that she was. She was sitting at the back of the room with various other residents. The meeting was well attended by the public. The purpose of the meeting was to vote on the parish precept and in particular to have an additional precept to cover the cost of borrowing money to provide a new village hall.

Mrs Lee said there was some debate as to whether certain members could vote. Cllr Luck was saying that he was entitled to vote, others were saying he was not. Cllr Luck was shouting during this exchange. Mrs Lee felt that he was clearly getting uptight.

Mrs Lee said that a number of residents, herself included, felt they had not been properly consulted with regard to the proposal to increase the precept. Mr Lee had been resident in the village for about 3 years. She explained that fund-raising activities appeared to have gone on in the past as outside the village shop there was a thermometer showing money which had been raised for the new village hall but this had not changed in the last 3 years. Mrs Lee said she commented that those promoting the new village hall had done no fund-raising and were just going to put the cost of the village hall on the council tax. Cllr Luck then launched into a tirade saying "as for all you idle shits at the back who do f-all for the village ..." at which point Mrs Lee left the meeting. Mrs Lee did not believe that the remark was aimed at her personally but that it was directed at the group of residents at the back of the room who were opposed to the proposal to increase the council tax to fund the building of a new village hall.

M Perry

Note of telephone interview with Cllr Andrew Tetlow, Chairman Debden Parish Council 3 April 2014

I asked Cllr Tetlow to tell me about the meeting of Debden Parish Council on 13 February. This was not a scheduled meeting but was a special meeting to set the parish precept and to consider raising it to cover the costs of a loan to finance the building of the new village hall. Cllr Tetlow explained that the issue was very contentious with views among the villagers being divided for and against. There was also an issue as to who can vote. Cllr Tetlow had been to visit me with Cllr Luck in advance of the meeting to seek advice on this issue. Before the meeting Cllr Tetlow was under the impression that Cllr Luck clearly understood that he should not vote. However shortly after the start of the meeting Cllr Luck said that he did not have a conflict of interests and that he intended to vote. Cllr Tetlow told him that he could not vote and that if he did so he risked a £5000 fine and disqualification from being a councillor. Cllr Luck maintained that he could vote. Cllr Tetlow did not think that Cllr Luck shouted him down but did consider that Cllr Luck shouted down the parish clerk when she spoke.

The meeting ran for about 50 minutes. The debate was heated. Cllr Tetlow as chairman was letting the public ask questions throughout the meeting as it was a contentious issue and he thought that their opinions should be heard. Cllr Luck stood up and addressed the dissenters referring to them as the "idle shits at the back" indicating his view that they did nothing for the village. One member of the public had just spoken and was in the process of leaving as Cllr Luck said this. Cllr Tetlow said that Cllr Luck's remark was addressed at the dissenters generally, not at any one individual. Once Cllr Luck had sworn Cllr Tetlow decided to close the meeting immediately as he feared that if the meeting continued it would lead to disorder.