

Standards Investigation at Stratfield Mortimer Parish Council (NPC4/15)

Complainant's comments on the subject members comments on the Draft Report of January 2016.

I have received Cllr Lewis's comments (labelled 44 to 97). I start with two general points and then comment on specific points he has made.

1. Some of Cllr Lewis comments refer to aspects such as definitions of terms and the timing, procedure and scope of the investigation. I feel it is not appropriate for me to comment on these.
2. Quite correctly, I have not seen Cllr Lewis' statement on the draft report which I assume has paragraphs numbered 1 to 43. Thus it is difficult for me to comment where he specifically refers to these paragraphs.
3. **I comment on Cllr Lewis's point 57.** I received the letter pc202 by email at 10:12 am on 12th July which was a Sunday and I do remember reading it that morning. The fact that it was dated 10th July did not surprise me; it seems to me common for people to write a letter and then email the letter within the next day or so. The letter pc203 was dated the 12th July and I must have picked it up from Mortimer library on the afternoon of Monday 13th (or possibly the day after). For information, post or physical communications to Parish Council office are put in the library post box which I had no access to and I obtained mail from the library staff. The library was closed until 1300 on Monday 13th. I therefore received the letters on different days, the letters had two different references, were written on different dates and both referred to the pension issue. Thus I had no reason to doubt that I had received two separate letters.
4. **I comment on Cllr Lewis's point 59.** I start with the last three sentences (*'If all the paperwork..... everything is in order'*). I cannot *'substantiate the correctness of the figures'* to Cllr Lewis as doing so would mean that I would reveal an employee's salary details to an individual contrary to employment law. As a result of Cllr Lewis's letters, information about the Clerk's pension was considered in a Part II confidential meeting of Finance and General Purposes Committee on 8th September and reported to Full Council in the Confidential Part II meeting of 8th October at which Cllr Lewis was present. For the same reason I disagree with the statement in point 50 that Cllr Lewis is entitled to know the basis on which the Clerk was paid whilst on sick leave.

I comment on two other aspects of point 59. The £578 payment mentioned is completely consistent with the Pension scheme. I can only assume that Cllr Lewis is aware of the amount by reading a cheque stub as the cheque book was passed from one Councillor to another, a lapse in our confidentiality procedures which will not happen again. I also find it rather surprising that Cllr Lewis has the detailed pension payments for 2006, presumably as confidential information from his previous service as a councillor, as the relevant amounts were not published in the Council's minutes.

For information, advice was obtained from BALC's employment adviser to confirm the amount of sick pay that was to be paid to the Clerk. All payments were made by cheque with each cheque signed by three other councillors. The internal auditor's interim report following her visit on 10 November 2015 confirms that *'payroll properly prepared and PAYE/NI requirements fulfilled'*. In addition, the Council's accounts for 2014/15 (and indeed all previous years) have been signed off by internal and external auditors without qualification.

5. **I comment on Cllr Lewis's point 65,** specifically *'Given the massive overpayment of the Clerk when compared with other similar sized councils.....'* The Council considered this in a Part II confidential meeting on 12th March 2015 following the receipt of Mr Lewis's letter of 4th March (written as a member of the public- (ref pcapp4a) and included in the complaint documentation as it was referred to in his letter of 12th

July). The Council considered a history of the Clerk's salary, total staff costs over time and concluded that virtually all the content of the letter was incorrect and agreed to implement its existing resolution of 12th February (referred to on p6 of the Standards report its report) that the correspondence from the complainant be acknowledged but no detailed correspondence be entered into.

Further, following the resignation of the Clerk, The Finance and General Purposes Committee in a Part II Confidential meeting on 2nd November 2015 agreed the terms and conditions for appointing a new clerk. The conclusion was the post to be 30 hours per week (1560 hours per year) at spinal points 29 to 34, with the appointee eligible to join the Local Government Pension Scheme. This minute was circulated and received by the Full Council in Part II confidential meeting on 12 November 2015 at which Cllr Lewis was present. The post has subsequently been advertised with these terms and conditions. Given this, it is strange that in January 2016 Cllr Lewis continues to make the point about the massive overpayment of the Clerk.

6. I comment on Cllr Lewis's point 72. I do not understand this. As far as I am aware, the only written statements from Cllr Lewis about not pursuing the allegations of criminal behaviour are under the heading '*Possible criminal acts by the clerk*' in his letter pc203 of 12th July. This is certainly not an unconditional retraction. Indeed these statements were a major point in my complaint against Cllr Lewis (see point 4 of my initial statement). My point then, and still is now, that it is not proper for a Councillor to essentially say that if they are happy with any settlement made by the Council with the Clerk, he will not independently pursue previously raised criminal allegations against the Clerk, but if he is not satisfied, he will do so.

6. I comment on Cllr Lewis's point 56. Cllr Lewis refer to a '*breakdown in communications which he (ie: myself) has contributed to*'. It appears that the paragraph 26 point mentioned here is to do with the correctness of some payments (stated in point 51). As stated in my point 4 above, I am not entitled to disclose this information to an individual councillor.

It should be noted that at the May 2015 meeting (the Annual meeting) of the Parish Council, following the election, the Clerk was on sick leave and the Council could not obtain the services of a locum Clerk. As Chairman I asked for a volunteer to take the minutes. Cllr Lewis volunteered, this was accepted by the meeting and Cllr Lewis took the minutes and he and I subsequently worked together to finalise the minutes. This continued for each monthly Full Council meeting up to and including the November meeting after which the Council managed to appoint a locum Clerk. This, to me was done amicably and professionally, and seems to me to be contrary to a breakdown in relations. Cllr Lewis is currently a member of three council committees and has also been appointed to two working groups which also does not suggest a breakdown in relations.

7. I comment on Cllr Lewis's point 96. My complaint was based on Cllr Lewis's behaviour in July 2015. I do not believe that either the fact that this complaint may continue for a long time or that the Council will be appointing a new clerk provides reasons for me to withdraw the complaint. I also can not see how mediation can change the past.

M D Dennett

27 January 2016