Fwd: Yesterday's meeting and the cancellation of the 16th July Meeting

clerk@bishopslydeardparishcouncil.gov.uk | THU AUG 14 3:53 PM | 5 minute(s) read

Dear Councillors,

A member of the public has requested that the email below is sent to you all (anonymously) for the council to consider the issues raised.

Kind Regards

David Richards
Clerk
Bishops Lydeard & Cothelstone Parish Council
37 Stawell Road,
Bishops Lydeard,
Taunton,
TA4 3FA
Phone: 07774 541060

========== Forwarded message ==========
From:
To: <clerk@bishopslydeardparishcouncil.gov.uk>
Date: Thu, 14 Aug 2025 13:14:27 +0100
Subject: Yesterday's meeting and the cancellation of the 16th July Meeting
========== Forwarded message ==========

Dear David

There are four matters I wish to raise in this email, and I would be grateful for a response to each of them.

1. Given the not inconsequential issues to be decided, it is a serious matter that the meeting called for the 16th July was postponed without legitimate reason, and secondly, that the same issues were subsequently discussed at a private meeting instead.
    a. Differing and conflicting reasons were given for the cancellation of the meeting, and neither were sufficient justification. It was suggested on the evening that Cllr Rigby had other options to bring to the discussion, but none were advanced yesterday or in the document produced by the clerk following the private meeting.
    b. Cllr Lewin-Harris suggested the discussion which would have taken place on the 16th would take place yesterday evening, but this was both impossible and illogical.

i. If her claim were true, what was the point of the private meeting? Why could not the matters have been held over until yesterday's meeting, as was proper?
ii. Those councillors present yesterday who also attended the private meeting came to the meeting with pre-determination and bias given they had already resolved upon a course of action, and so a proper debate was impossible.
iii. More than one member of the public in attendance yesterday, individuals who are not regular attendees, were surprised at the paucity and level of debate at yesterday's meeting on such an important issue, and one involving such large sums of public money.
iv. The decision resulting from what discussion there was, to resolve to proceed with Site 14 without waiting for the alternative quotes for undertaking the work – which are both required by and integral to the resolution – is muddled and appears to be a result of inadequate reflection. It suggests a lack of total confidence in the wisdom of the project given the information already to hand.

c. Not only was there I believe no justification for cancelling the meeting of the 16th, the decision to hold a private and secret meeting instead will undoubtedly have undermined transparency and weakened public confidence in the council, as well entrenching already jaundiced opinions. Are councillors concerned about this?

2. Any reasonable member of the public present at yesterday's meeting and in possession of the facts, could see that Cllr Salter had bias in the decision to proceed with Site 14 and ought to have declared an interest and not participated in the vote.
    a. The Chair of the Football Club was in attendance to express his belief in the vital importance to the club of implementation of Site 14, and this was also a justification offered by several councillors for continuing with the proposal.
    b. If councillors wished to provide Cllr Salter with a dispensation, this ought to have been by resolution of the council (as required by the council's Standing Orders). The suggestion that there had been previous, private discussion of this point outside of the meeting does not alter the position.

3. Cllr Lewin-Harris appeared to be unaware that neither she nor Cllr Rigby had the authority to cancel the extraordinary/emergency [sic] meeting called for 16th July. Given her position and role as chair, this is a cause for concern. I should like to know on what basis she and/or Cllr Rigby believe they acted lawfully. As I understand it, statute determines that beyond his or her responsibilities in preparing for and chairing meetings, the chair has no more statutory power than other councillors, except that of a casting vote.

    a. Outside of meetings and individually, parish councillors including the chair have no authority to make decisions on behalf of the council.
    b. Decisions of the council are made by the body corporate at properly convened meetings. The council is not 'run' by the chair outside meetings.
    c. It is only the clerk, either alone or in consultation with the chair, who may make delegated decisions outside of a meeting, as specified in the Standing Orders.
    d. Legitimate reasons for postponing a meeting would include the following:

        i. so many apologies have been received in advance of the meeting that it is clear it will not be quorate

ii. in the event of extreme weather or other situation with the potential to make attendance at the meeting hazardous for councillors and/or members of the public
iii. something akin to the COVID lockdowns which makes convening the meeting impossible

Under these circumstances the clerk, in consultation with the chair, may decide to postpone the meeting. The meeting can only be postponed or indefinitely postponed until such time as the council meets again.

e. If Cllr Rigby had alternative information to share which was not yet fully complete, the meeting of the 16th was not obliged to reach a resolution, and a decision could have been postponed.
f. The alternative explanation, advanced by the chair in an email to a resident, that Cllr Rigby was somehow unaware of the meeting until the day before, is yet more surprising. The fact that Cllr Rigby claimed to be unable to access his emails adds nothing to the argument. Councillors have a duty to ensure they receive their emails if they have agreed to the summons being issued in that form, and the meeting was therefore still properly convened.
g. No other explanation for the postponement of the meeting was offered yesterday evening and so it is a little late for one to be provided.

4. The use of a 'working group' which meets informally and in private to consider and advise the council on matters of such consequence is both highly questionable and undesirable, and probably unlawful, particularly when there are no clear terms of reference and the membership is apparently flexible.

NALC's view is that such advisory working groups are committees or sub-committees within the meaning of the LGA Act 1972 and therefore subject to the same provisions in the Act as are committees.

i. This is a point already conceded by the council regarding its CIL Committee, formerly referred to as a 'working group'.

a. This means its meetings must have published agendas and minutes and be held in public.
    i. The public may be lawfully excluded from consideration of agenda items of a confidential nature. However, given that the private meeting was held to discuss the issues originally scheduled for the extraordinary meeting of the 16th July, this was clearly not the case in this instance.
b. The 'working group' (committee) must have clear terms of reference and a membership determined by the council.
c. What are the terms of reference for the current Roads and Traffic Working Group?
d. Why was the Vice Chair in attendance at the meeting if the justification given for it is that it was a meeting of the Roads and Traffic Working Group?
e. When and at what meeting was the Working Group tasked by the council with discussing the items on the agenda for the July 16th meeting of the full council?

Had the matters under consideration been something unimportant and inconsequential, such as the arrangements for a flower show, rather than a decision about how to proceed with the council's long-standing Roads and Traffic proposals, these questions might be relatively unimportant. As it is, these are serious matters. I suggest they not only weaken public confidence in the council's ability to handle the issues on behalf of residents, they also put the council's decision-making on a weak footing, leaving its resolution open to judicial review.

My questions are for consideration by the council, and I would ask you to forward this email to all councillors.

I look forward to a reply and to clarification.

Kind regards