

TUTBURY PARISH COUNCIL (TPC)

A meeting of the Parish Council was held at Tutbury Village Hall, Tutbury, Thursday 17th February 2022. Those present were Cllr R Lock, Cllr C Dodds, Cllr K England (Chair), Cllr P Steadman Cllr W Crossley, Cllr F Crossley, Cllr L Anderson.

Borough Cllr G Allen, head of service S Khan.

9 Members of the Public

Late Arrival at agenda item 3.0

Cllr D Morris. Borough Cllr Gaskin

02XM/22.0 APOLOGIES.

1.1 Cllr C Smedley, Cllr M Upton, Cllr T Spence Smith

02XM/22. 2.0 DECLARATIONS OF INTEREST & DISPENSATION REQUESTS

2.1 The chair had reminded Cllrs that due to the number of Cllrs that had interests in this meeting to complete a dispensation request, that no votes would be taken. Written dispensation requests were received in writing from the following Cllrs, who were granted a dispensation to take part in the discussion and remain in the room by the clerk, due to the number of interests declared in relation to this meeting.

Cllr R Lock

Cllr K England

Cllr P Steadman

Cllr C Dodds

Cllr F Crossley

2.2 A member disputed that this was required as it was not pecuniary, and the agenda items did not require a vote or a pecuniary interest to be declared. A member had objected to the suggestion from the clerk before the meeting to declare his interest as his son in law had submitted an unsuccessful bid for a dog agility course. The clerk reminded members that this was classed as an other interest, a dispensation request should be completed, or this would be a breach of the code of conduct and Standing Order 13. Advice was sought from the interim monitoring officer and subsequent legal team, dispensations were required. Cllrs would not be attending the meeting with an impartial view and open mind to the outcome of the meeting. The chair confirmed that if the grant funds were reallocated in the future to those organisations as a result of this meeting, then the interest should be declared. Two members that were related to members of organisations in the public session, that had submitted unsuccessful bids from the grant fund, refused to declare their interest and did not leave the room. They disagreed that it was required and that it was a Cllr's decision whether to declare

an interest and dispensation request. The clerk advised that this was against the training that the parish council had received. The member did not attend the training due to personal issues but suggested to request the money back from the training. He recommended this in the previous meeting.

- 2.3 A member queried why Cllr Lock had left the room, in the previous meeting and not at this one. Cllr Lock confirmed that he had requested dispensation for this meeting to stay, but not for the previous meeting.

02XM/22. 4.0 Public Participation

- 4.1 A representative from the Cricket club believed the grant process failed as an outdoor gym was granted funds with no evidence of required use or set location, when the cricket club was offering facilities for a 100 young people from underprivileged and ethnic backgrounds, and 150 adults. The club has been running for 150 years and are struggling financially, were not granted any funds to improve it. He believed that the section 106 money should be used for existing facilities in the village. He stated that the funds were wrongly distributed by the Parish and Borough Council on new facilities rather than the cricket club.
- 4.2 The cricket club member thought that the parish council had a lot of self-interest by submitting grant proposals and were competing against other organisations for the funds. He believed that the parish council should have raised funds using a different way. He did not agree that professional support should be used to apply for bids against the local organisations. The cricket club are now progressing bids with other organisations to raise the required funds. The member of the public felt let down and disappointed. Other organisations he reported felt let down were the village hall, the market and he allotments association.
- 4.3 The member of the cricket club suggested a compromise to reallocate the funds awarded. Some organisations should keep them. The parish council should compromise and work with the organisations that need the funds. Everybody should have got a little bit
- 4.4 A member from Tutbury market made a number of points on the grants process these were submitted in writing to the clerk and detailed below.

“Tutbury Market was set up by myself and others as a not-for-profit organisation in 2014 to save the struggling Tutbury High St. We brought thousands of visitors into Tutbury, and businesses started to flourish. After a break due to the pandemic, our beloved market is finished because elected Cllrs with little foresight made poor decisions due to their lack of local knowledge.

I asked questions at the last TPC meeting relating to these grants but have so far had no reply.

I have an FOI in with Mr Sal Khan and Cllr George Allen, Mr Khan has acknowledged as I requested, Cllr Allen, you have not.

Q. Cllr Gaskin told the last Tutbury PC meeting that Cllr Allen designed the system used to determine these grants. Who actually designed the system that was used?

Q. Originally the deciding panel consisted of five persons, Cllr Raybould resigned as a Cllr and County Cllr White, who we pay out of our taxes, decided he couldn't commit the panel. Why were they not replaced?

Q The Parish Council did not select Cllr Lock to be on the Panel, yet he was there representing Tutbury Parish Council. Whose decision was this?

Q. Why were there no agendas or minutes for these panel meetings? Councils and Cllrs are accountable to the public. Agendas and minutes should be published.

Q. Who actually made the decisions on which applicants were successful, Cllr Lock maintains he was one of a committee of 7 making the decisions and that council officers had equal weighting to Cllrs. ESBC website clearly states 3 persons, namely Cllrs Lock, Gaskin who resides in Burton and McGarry from Uttoxeter made the decisions. Both accounts cannot be truthful.

Q. I have been told by a council officer in writing that after the panel of 3 decided on which applicants were successful and the amount of the grant they would receive, an executive decision would be made. Who made that executive decision? Where is it recorded?

Please note, that I will be putting in 3 formal complaints.

No. 1. To ESBC about the process used to determine these grants.

No. 2. A Code of Conduct complaint about Cllr Lock's failure to declare an interest in the garden project that is on the estate where he lives and very near to his home, thus affecting the amenities near to his home and possibly even the value or saleability of his home. He did, however, declare an interest in two TPC projects. He did not declare an interest in any of the other applications although his interest in 2 applications could cause him to mark down the other applications since the funding pot was finite and all application in competition with each other. If it transpires that he has not been honest about Council Officers making decisions, I will include that too. I will be adding another part to this complaint about his behaviour under Nolan Principle 6, as listed on the .Gov website but this is in relation to him as a Borough Cllr and not Tutbury connected.

No3. A Code of Conduct complaint about Cllr Gaskin for breach of confidentiality. He discussed the Tutbury Market application with a member of the public. This is contrary to Paragraph 3, Schedule 12a of the Local Gov act. I may be adding further complaints under Nolan Principle 6 as listed on the .Gov website as the info is gathered.

I am awaiting any new info that comes to light from this meeting and from mine and others FOI requests before submitting the complaints. I have collated the necessary evidence for all complaints.
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4.5 A village hall representative spoke regarding replacement windows application that had been submitted to the grant fund. Due to the first tight deadline the application was sent in before the quotes were received. An email had been received confirming the grant request. However, they only received £10k not the full amount. Although it had since transpired other organisations had received the full amount and the village hall was the only organisation to not receive less than half the original bid. It was thought that the church had done the work before submitting their application which representatives' thought was wrong.

4.6 A member of the public spoke regarding the dog agility course that the Borough Council had agreed to allocate site for. This was due to be located at Ferrers Avenue Play area. A site was

allocated unlike the gym equipment grant bid, and it was a unique facility in Staffordshire. The whole process is disappointing.

- 4.7 A member of public concurred with cricket club that each organisation should have been granted something based on their own merit, despite their application submitted, everyone should have been given a slice. The village has been splintered and divides caused by this fund allocation process. The process is wrong, and it needs readdressing. He thought that Tutbury Market should have received something not cast aside. The market representative confirmed "that there was no Tutbury market any longer. it was finished, which would be detrimental to Tutbury High Street".

02XM/22. 5. TO INVITE BOROUGH COUNCILLOR GEORGE ALLEN TO ANSWER QUESTIONS REGARDING THE DISTRIBUTION OF THE £250K TUTBURY COMMUNITY FUND

5.1 Borough Cllr. G Allen would not discuss individual grant bids, complaints, and Freedom of Information requests as it would not be appropriate to do so.

5.2 The fund was created for community-based projects. East Staffs Borough Council (ESBC) have various different grant schemes and have been run before. Community applications were assessed against published criteria. Feedback has been given to the applicants and individual applications will not be discussed in a public meeting.

5.3 The 106-agreement fund was for community-based projects within a 2-mile radius of Tutbury. The original 106 agreement was for a community building that was not built, the agreement stated that if the parish council did not indicate that the community building was required within a 6-month deadline in Nov 2019 then £250k would be issued. The Parish Council did want the building and did request the building. However, communication was ignored, surrounding issues over the ownership not resolved and a member has collated the evidence to indicate this. Cllrs contacted the MP with the evidence of the need for a community building and could provide this again for Cllr. F Allen.

- 5.4 Members of the public did not agree with how the applications were assessed, the criteria and why were bank statements not requested. Questioned why existing local facilities were not visited prior to allocation of the funds.

- 5.5 A member raised concern in why the meeting was called before written responses to questions were received. In his view it was in the wrong order. He stated he wanted to address this at a later date and requested that the discussion be directed by the questions that were submitted in writing at to Cllr. G Allen.

Questions and Answers

- 1. The original sum was £450,000 later reduced to £250,000. What happened to the other £200,000?**

The sum was always £250k as set out in the 106 agreements.

5.7 Cllr G Allen was interrupted whilst questions were addressed to him by members of the parish council and members of the public, Cllr Allen raised concern that he was able to respond appropriately due to constant disruption.

Q.2 A member of the public **asked Cllr G Allen if he personally thought everyone should have received a small amount of the fund.**

A. Cllr Allen stated that if that was the case then projects would not be completed within the deadline of the fund has to be spent as it would not be possible to complete the projects if not all the funds were received. Then fewer schemes would have been successfully completed.

In the event that the applications did not include the required supporting documents, or response to the question or details reasons why the responses could not be given. The council will judge that the organisation will be ineligible for the Tutbury grant scheme. Cllr Allen was not aware if any organisation were ineligible he was not on the panel. Cllr R Lock was on the panel . Cllr Lock reported that the panel were unanimous that the panel wanted to see all of the applications despite their eligibility. All applications were looked at.

Q>5.8 A member of the public questioned **why the outdoor gym with no research or set location in coved when equipment should be wiped down should be considered?**

A member of the parish council corrected the member of public and stated that the gym application was applied for in three locations one of which was more eligible with no further permissions. The project was researched by the parish council by contacting other parish councils and residents on how they obtained the equipment, what the take up of use was, if equipment had been vandalised, and when opportunities came up purchased extra equipment. This was taken up. The gym equipment is open to everybody, not just children but adults and disabled users.

5.9 A PC member stated that the parish council voted to suspend the grant for the gym equipment until they were happy with the grant process, and he believed should have received responses to questions in writing to be able to do this. He requested the submitted questions to be addressed. The purpose of the meeting was not to discuss individual projects but the grant process.

5.10 A member of public **asked Cllr lock, if the grant panel was unanimous in assessing the grant application. Borough Cllr Gaskin, who was also on the panel said no votes were taken by the panel** and questioned how it was unanimous if no vote took place? Cllr lock said it was a consensus to look at all the bids.

5.11 A parish council member asked what capacity Cllr Lock was representing at the meeting. He was a member of the Parish and Borough Council and could contribute appropriately. The member suggested questions could be emailed to Cllr Lock in his Borough Council; role of which he would submit.

5.12 A member of the public enquired about his Freedom of Interests requests that were made and stated the were different and required different responses.

5.13 Who designed the system?

Cllr G Allen said it was based on previous grant schemes that had been run before and Sara Gummerson was appointed to administer this scheme.

5.14 Questions were asked about the roles of Cllr R Lock and Cllr G Raybould in the process?

Cllr R Lock was asked to join the panel because he was the chair of the parish council by Cllr G Allen an executive member who had the role of putting a panel together for the process. Cllr R Lock was an elected Cllr for Tutbury and elected by the parish council to be chair. A parish council member interrupted and stated that R Lock had told the parish council he was not selected as a member of the parish council. The member asked the question why was he invited on the panel? Cllr Allen confirmed he was asked to be involved because he was the chair. Members disagreed with this. Cllr Lock should respond separately as he was invited because he was the chair and Cllr Allen was not aware what Cllr Lock had stated in previous parish council meetings.

5.15 No substitute members would have been appointed if Cllr R Lock did not continue as chair, the subsequent chair would not have been replaced or substituted due to the time and the need for progression through the process. It would have depended how far through the process and how many meetings had taken place. However, this did not come up and was not an issue. The wording on the Borough Council website states that R Lock is a former chair. This was incorrect and had caused issues for the parish council.

Cllr Allen lives in Uttoxeter and does not have Tutbury knowledge so appointed elected Tutbury members including the County Cllr who represented Tutbury and the ward Cllrs and the parish council chair. Borough Cllr McGarry was asked to sit on the panel who assesses other fund schemes.

5.16 The fund was created, and notifications were sent out on social media and the parish council sent out notifications about the fund. Applications were assessed against a published criteria and scored on five areas.

1. Project proposal need and purpose the score was 1 if limited information was provided and scored 10 if the information provided was comprehensive.
2. Who and how will the community benefit which made up 25% of the overall score. 1 was scored with limited description and 10 would be awarded if the information set out clearly how the money would be spent.
3. 20% of the assessment framework was project constraints risk and funding arrangements, covering joint funding which would be considered more accountable, comprehensive statements of risks and funding would have scored 10.
4. Demonstrating deliverability of the projects if funding was half of the project, then this would reduce the chances that the project would be delivered.
5. Value for money and overall value to the community.

- 5.17 Parish Cllr R Lock took part in the grant meetings before he was elected as a Borough Cllr. The process had concluded before his appointment.
- 5.18 Borough Cllr Raybould was invited to most of the meetings whether or not he attended he was invited and not replaced, as no election had taken place. The last meeting took place after he had resigned from the Borough Council.

5.19 Questions around agendas and minutes were required?

5.20 The Borough Council work very differently to parish councils. A Leader is delegated the authority to pick a cabinet and carry out their duties. The cabinet members have more powers than others to be able to process the grant scheme. He could have made the decisions on how the grant money was spent himself, but he elected a panel to do this. He could have elected the parish council to do this, but as he expected the parish council to submit a bid this would not have been appropriate and could have been biased. There are no requirements for agendas and minutes and many meetings take place that are not minuted. The system is used all over the country. The outcomes were minutes and can be accessed through the Borough Council website.

5.21 A parish council member stated that he had been made to jump through hoops in declaring his interest and questioned why the Borough council were above this system? Cllr Allen stated he was not above it and did have a view on what he had witnessed at the start of the parish council meeting. If a member has got an interest to declare there is the normal process. During the 6 meetings that took place Cllr R Lock did vacate the room when the parish council bids were discussed. A parish council member stated that he thought that process was flawed as you were relying on the honesty of the person in the room at that time and questioned what would happen if they were not honest and did not declare an interest. It is down to the Cllr to say as it is in parish council meetings. If it transpired that further down the line it would get picked up through a complaint to the monitoring officer. Cllr Allen believed that there are complaints being made around interests declared. There is an accountability process for members.

5.22 Were there any criteria related to value for money?

Yes, as previously stated.

5.23 A member of public asked is there a time frame to allocate the money?

5.24

5.25 There is, it has to be spent by Nov 2022 and this will be included in the confirmation letter. This has been put in place by the Borough Council to make sure that the money is spent before the deadline from the developer. If it was not spent the money goes back to the developer.

5.26 How many people were on the decision panel?

Cllr R Lock, Cllr G Raybould, Cllr McGarry and Cllr Gaskin

. Which representatives were familiar with the local area?

Cllr R Lock and Cllr S Gaskin.

5.27 Why when representative did not attend were they replaced by other local representatives? What was the urgency?

5.28

Cllr Allen believed the process took far too long as it was. Members of the public pointed out that if Cllr R Lock had declared an interest there would be none from Tutbury to make the decisions.

5.29 A member of the public stated that Cllr R Lock had a pecuniary interest in the applications for the community garden on Heritage Park estate as he had previously said that those residents who purchased houses on the estate had contributed to the fund. Cllr Alen suggested that was up to the member of public to raise a complaint as the matter could not resolved at this meeting.

5.30 The question was raised if the funding should be restarted again ?

However, organisations who received the funding would not want that to happen.

5.31 A parish council member asked were all local bodies invited to apply for a grant. How were they contacted?

A press release was issued, it is dependent on the local press publicises it. It was added to the website and social media channels. The Parish council added it to their website and local groups had been emailed by the parish council. It was not reasonable to have to contact every local organisation. The member stated a list was in Tutbury Village News.

5.32

5.33 Were the grant applications evaluated one against the other to test clarify of decision making? Were they being fair to everybody?

Cllr Allen said that the danger would be take away funds from some groups and put them on another was something that they wanted to avoid. The panel wanted to award the best projects to the full. Some applications were granted one or two parts of the entire project.

5.34 A member stated that he was not in support of the parish council making any applications and has been against it for the whole process. However, the County Council has a building and part of a grant bid was to repair or replace parts of the building. The County Council have the ability to fund this. Cllr Allen stated that part of the funding, you have to prove as part of the audit process. **Is It ok to use funds on a county council building?** The purpose of the grant was to impact on the local community, so it was to the detriment of the community that they do not spend money on the building, so part of the fund could benefit the community in supporting this grant application.

5.30 A parish council member said that for the parish council to spend money on equipment without public debate that would be a very odd decision to make. Cllr Allen said if the application scored highly on the five criteria that then money would be awarded.

5.31 **A parish member said there was a rumour that Borough councillors submitted their own ranking. If applications were ranked in order of the points they were scored, would the percentage of funds be allocated in that order?**

No this was not done and there were no criteria outside of the scoring system.

5.32 **Where match funding was not secured to complete a project. Would the funding be returned?**

There would be no rush to take the funds back if the deadline had approached and the money was not spent ESBC would work with the organisation to resolve this.

5.33 If the parish council declined their funding ESBC can recycle the funds through the process or question if the fund would be reopened and ask for new applications. **Questions raised how could the money be reassigned after the deadline?**

A deadline was put in by ESBC to ensure that the money is spent before the 106 deadline kicks in and if not spent then it is returned the developer, and nobody gets the money. Therefore, the deadline was set to allow the ESBC to reallocate if necessary.

5.34 **The panel made recommendations but did not make the final decisions. A member queried the wording final decision panel was used on the ESBC website?**

All the applications were seen by Cllr G Allen, and he received the recommendations from the panel and the scores from each Project and made the decisions.

5.35 A member asked **if funds were allocated to community groups how will it be monitored by ESBC to ensure clarity and accountability of the scheme?**

Evidence will be required that the money has been spent in line with the application. This may include reports, visits, or photographic evidence.

5.36 **Did the committee visit any of sites or buildings that the applicants included in their bids? If not ,why not? If they did how many and which were ones?**

5.37

No, the panel did not as it is not how grant funds are done. It is not a reasonable expectation because not all funds requested were for places to visit, a member of the public interrupted. The PC member said he did not agree with how this was done as he would personally have visited sites before signing off amounts of that size. However, Borough Cllr G Allen clarified that some things could not be visited for example a vehicle due to be purchased this would not require a visit. Therefore, it would not be appropriate to visit some project proposals but not others. It would not be fair. The member was making the point that for some projects the Borough Council had the opportunity to visit some sites, but they chose not to. This has caused some of the anger and it is felt that it has been done behind closed doors. The criticism has been made to the Borough Council that the panel members were not from Tutbury so if some panel members could visit and

some were not able to then again this would not be fair. The panel was chosen from elected members, and it was Cllr G Allen's decision to do that. Other members from the parish council rather than the chair would not have been appropriate as 2 applications were received from the parish council. A member of the public questioned why any member of the Parish Council was included on the panel as they would have an interest that should be declared. By not having a parish council member would have meant that only one person on the panel without local knowledge would be left on the panel and that was not thought to have improved the process.

5.38 **A member stated that other developments subject to 106 agreements had been awarded the money to parish councils to spend as they had better knowledge of the area than the district council. Why was that criteria not applied to Tutbury?**

.Cllr G Allen said it would be a different district different council he would not be able to comment on. However, a member of public questioned , a development in Branston was handled differently with the ESBC? The parish council in Branston came to a quick conclusion as to how the money should have been spent. Tutbury Parish Council did not come to quick resolutions with these developers. Parish Councillors disagreed with that statement. The parish council felt that there was no indentation that the community building would be built and that the site would be reallocated for housing.

5.39 A member questioned **if there was an opportunity of the parish council chose not to accept the grant funding what would happen?**

5.40

Cllr G Allen stated that RSBC would have to decide if the grant process would open to new applicants or revisit applications already received. A member stated that it would be up to the parish council to decide but **why was there never any discussion at the ESBC level what would happen if the money was not allocated spent or returned?** He felt that was a big flaw in the process.

Cllr G Allen said that there is a deadline that this money has to be spent and they would not want it returned to the developer. Cllr Allen confirmed that no decisions on reallocations had been made.

5.41 A member asked **why ESBC did not take the community building on that was proposed?**

Cllr G Allen could not comment on why the Parish Council would not want the building, PC members said that the PC did want the building, but their emails were ignored. Cllr G Allen asked for evidence of this, and he thought this would be unusual.

5.42 **A member asked Cllr G Allen if he was happy with the way the process had been handled as he had signed off the grant allocations?**

Cllr Allen had not expected the fund to be so controversial and he did not believe that those who got funds would want to rerun it. The PC member added if you were not happy with how it had

been run **who signed off the final decision? At what point are you not happy about? Is it the process or the reaction?**

Cllr Allen could see how people are disappointed especially those who did not get the funding, a member of the public who did not get her funds was not happy with the process but there will be those who got the funds that are happy with the process, but they are not present at this meeting because they are happy. ESBC would not relook at the process.

5.43 A PC member **asked with hindsight did the process worked satisfactorily? If the scheme was run again would changes be made to improve it?**

5.44 Cllr Allen clarified that those applications that did not score highly did not received the funds because the details of their applications was not there. Those that scored highly received the funds. Cllr Allen did not see a problem with the process. A PC member was not satisfied with the response as there were only 16 applications, he would urge a face-to-face dialog with the organisations. A member of Public was surprised that there were no additional clarifications sought from the organisations, The lottery grant system takes a more accessible approach for those not literate who need additional support in submitting the application. Missing information is requested and clarified. Organisations making the grant bids are assessed not just the application itself. That cannot easily be done on a scoring system.

5.45 Cllr Allen stated that £800k was requested from the £250k fund and those that received the funds were happy, obviously some would be disappointed.

5.46 A PC member came to the meeting not expecting the meeting to be fruitful because he believed that there were too many things this meeting was trying to do. He didn't think that Cllr Allen would leave happy, he was not happy, and the public weren't. He did not believe a lot was achieved. At the previous parish council meeting deep concerns were raised over the process of the applications and the PC agreed that we wanted a response in writing to satisfy those concerns. He didn't think that verbal answers regardless of the answers would ever satisfy. He was concerned as to why the meeting was called. He agreed there should have been a public meeting, with more weight for the public to ask questions than the 15 minutes session and should be treated separately and as a parish council. He believed that the PC voted for a written response and then hold a meeting. He did not think that this meeting got the PC anywhere and it was a backwards step. The PC still needs those written answers, so he suggested that the PC writes to the ESBC and asks the same questions again. The PC needs those answers in writing to see if they are happy with the process.

5.47 The PC member stated that what the PC do about funding is a very big one. Does the PC want to go ahead with that application, or do we want to see if it can be allocated elsewhere? Personally, he was concerned that the PC would not know what would happen if the PC rejected the funding and where that funding will go, and this could be one of the questions that are asked. He reiterated that the meeting did not satisfy anyone. He was disappointed and he knew he would be. The clerk clarified that the resolution was to forward questions from the PC members to be to Cllr G Allen for a response and a meeting would be called and that resolution resulted in the meeting taking place. The PC. member was not happy that a written response was not received. He believed that the process was flawed without a written response. Cllr Allen was asked to attend the meeting to answers questions verbally and also received written questions, he felt he had done what was asked