

**12. Correspondence**

- 12.1. **20230513 Bidwell Brook Partnership** *For consideration* The Bidwell Brook rises in Rattery and flows through Dartington to its confluence with the Dart. The Bidwell and its tributaries have a major impact on water quality in the Dart, its valley is an significant wildlife corridor which enhances the area's natural beauty and contributes to parishioners' physical and mental health. Cllrs are informed of a new partnership made up of representatives from Friends of the Dart, Dartington Recreation Association, The Apricot Centre, Devon Wildlife Trust, the Westcountry Rivers Trust and coordinated by a Steering Committee made up of representatives from Dartington and Rattery Parish Councils, and the Heart of Dartington and Rattery Environment Group, to take co-ordinated action to create a nature-rich landscape where people and wildlife flourish, clean water flows, farms and businesses thrive. As the Wren Brook, the main tributary of Bidwell Brook is on the Harberton/Dartington Parish boundary, cllrs are asked to advise the BBP Steering Group as to the best way of securing Harberton Parish council's support for this project.
- 12.2. **20230523 and 20230602 Monitoring Officer Guidance** *For information* Cllrs are forwarded guidance from the Local Authority's monitoring officer on the topics of: declaring interests at meetings; use of social media; access to information; applying for and granting dispensations along with a message in response to a worrying trend in the nature of complaints about the behaviour of town and parish councillors towards their clerks and other employees.
- 12.3. **20230525 South Hams District Council Announces New Structure** Cllrs are informed by press release that South Hams District Council announced its new Council structure for the next four-year term. Cllr Julian Brazil, Ward Member for Stokenham, was elected as Leader of the Council, with Cllr Dan Thomas, Ward Member for Newton and Yealmpton, chosen as his Deputy Leader. Cllrs McKay, Birch, O'Callaghan, Abbot, Hodgson and Hopwood will join the Executive Committee. The Chairman announced for the coming year will be Cllr Guy Pannell, Ward Member for South Brent. Top priorities for the council will be local housing and the environment and biodiversity crisis.
- 12.4. **20230525 and 20230608 Requests for graveyard maintenance grants** *For consideration* Cllrs are informed that requests have been made for annual maintenance grants for both Harberton and Harbertonford graveyards.
- 12.5. **20230601 Notice board opposite Post office in Harbertonford** *For consideration* Cllrs are informed of a letter received by a local resident commenting that the notice board ins in a bad state of repair and is rather dangerous when someone opens it to display posters etc. It was asked that this be addressed at the next PC meeting before is actually falls on someone.
- 12.6. **20230607 Deadline passed for election candidate expense forms and election costs** *For information* Cllrs are informed that those cllrs who have not completed and returned forms should do so urgently. Any elected candidate (including those elected uncontested) is not permitted to sit or vote in the council until the expense return is delivered or until there is an authorised allowance for the failure. If they do, there are penalties of £50 for every day on which they sit or vote and a failure to make a return and declaration is an illegal practice.

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## Monitoring Officer Guidance

1 message

**David Fairbairn** <David.Fairbairn@swdevon.gov.uk>

23 May 2023 at 10:32

To: WD-Parish Clerks <ParishClerks@westdevon.gov.uk>, SH-All Parish Clerks <SH-AllParishClerks@southhams.gov.uk>

Dear All,

Some of you will be aware that I have previously shared guidance notes that I have prepared for members of the District and Borough Councils. Following the recent elections I have added a third guidance note on access to information and re-issued all three guidance notes to District and Borough members (there is a fourth one on informal briefings, but this is of limited relevance to parish councils). In keeping with past practice I thought that I would share the guidance notes with you. Although written from the perspective of the District and Borough Councils, I hope that you will find the guidance notes helpful and will circulate to your members. The three guidance notes are:

- No1 – Declaring interests at meetings;
- No2 – Use of social media; and
- No3 – Access to information.

Kind regards

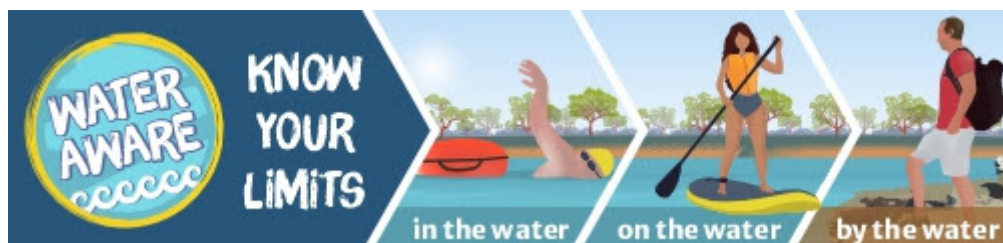
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David Fairbairn BSc(Hons) MA Solicitor | Head of Legal Services and Monitoring Officer

South Hams District Council | West Devon Borough Council

Email: [david.fairbairn@swdevon.gov.uk](mailto:david.fairbairn@swdevon.gov.uk)

DD: 01803 861359



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### 3 attachments



**20230522 MO Guidance No1 Declaring interests in meetings v20.pdf**  
256K



**20230522 MO Guidance No.2 Use of Social Media v20.pdf**  
118K



**20230522 Monitoring Officer Guidance No3 Access to information v10.pdf**  
91K



## **Monitoring Officer Guidance to Councillors No.1: Declaring interests at meetings.**

As public decision-makers, you must make decisions in the public interest. You must not use or appear to use your position to further private interests. Being open and clear about your interests at meetings avoids conflicts of interest and is important for maintaining public confidence. Failing to do so, risks damaging your reputation and that of your council; and of breaching the code of conduct. It may also put you at risk of prosecution and receiving a fine if convicted. .

The following guidance is to help ensure you stay on the right side.

1. **Read the agenda and reports fully and well in advance of the meeting.** This allows you not only to be prepared for the meeting itself, but will provide an early warning of any potential conflicts of interest. Keep an eye on any forward plan too as this will give you more advance notice of any potential issues.
2. **Take advice sooner rather than later.** While it is better to seek advice at the meeting, than not at all, it is best to do so before. Whether you have an interest and if so, whether you need to declare it, depends on the particular facts. Those facts can be complicated. Trying to explain them to get advice while in a meeting runs the risk that important facts are left out because they are too personal or because you do not think they are relevant. You might therefore not then be given the advice appropriate to your circumstances. It also gives you time to apply for a dispensation to allow you to take part even if you have an interest.
3. **Time to declare.** The Chair of the meeting will pause at the start of the meeting to give you time to make any declaration. If at that point, you are unaware of having an interest, but as the meeting progresses or perhaps takes an unexpected direction, you become aware that you do have an interest; you must declare the interest as soon as it becomes clear to you that an interest exists. Even if you have declared your interest at the start of the meeting, it is good practice to repeat the declaration at the start of the item.
4. **What should be declared?** You must disclose to the meeting the existence and nature of your interest. You should therefore say that you have an interest and what type it is.
5. **Be sure about the nature of your interest and use the correct terminology.** There are three types of interest: Disclosable Pecuniary Interest (those registerable in Part A of the Register of Interests) ("DPI"); Other Registerable Interests (those registerable in Part B of the Register of Interests) ("ORI") and Non-registerable

interests (“NRI”). It is important to know what type of interest you have because your right to take part in the discussion of the item (See the flowchart at the end of this note).

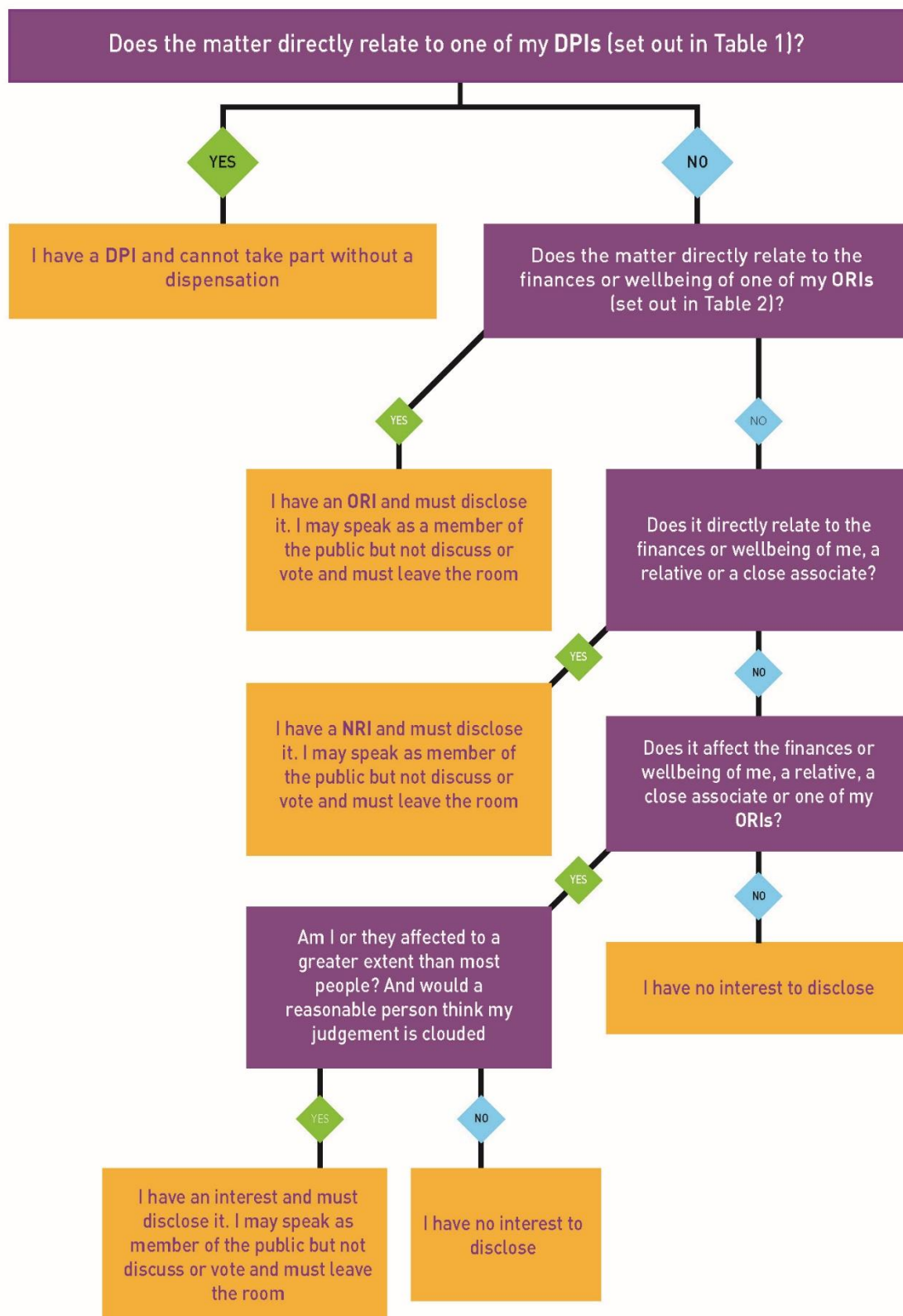
6. **Ensure that it is appropriate to declare an interest.** Declaring an interest when it is not necessary can be confusing, both for those at the meeting and those members of the public watching. Commonly, declarations are made about being a member of an outside body when the item to be discussed does not directly relate to the body or the financial interest or wellbeing of the body. In those circumstances, there is no interest to be declared.
7. **The legal bits.** When you receive an agenda or reports for a meeting, consider:
  - 7.1. **Code of conduct.** When accepting office as a councillor, you agreed to comply with the standards of behaviour set out in your Council’s Code of Conduct. Failure to comply with the Code of Conduct can result in a standards complaint against you.
  - 7.2. **Criminal offence.** If you take part in the discussion or vote on an item in which you have a Disclosable Pecuniary Interest or remain in the room then unless you have a reasonable excuse, such as having a dispensation, you will commit an offence and if convicted face an unlimited fine.
  - 7.3. **Bias and pre-determination.** If you are involved in determining planning or licensing applications, having an interest that you do not declare or taking part in the decision-making process when you have an interest might suggest that you may be biased or pre-determined about a matter you may be involved in determining. If so, the decision runs the risk of being invalidated.

## OPENNESS

## INTEGRITY

## OBJECTIVITY

Monitoring Officer  
May 2023



NOTE: Table 1 and Table 2 refer to the tables in Appendix 3 of the Code of Conduct.

Acknowledgment: The flowchart is reproduced from the LGA Guidance on the Code of Conduct.



## Monitoring Officer's Guidance to Councillors No.2: Use of social media

Used appropriately, social media can be a good way of engaging with your residents and of getting feedback from them on issues affecting your community. However, it also has significant risks and if used inappropriately, can result in damaging your reputation and that of your council, breaching the code of conduct as well as leaving you at risk of court proceedings.

The following guidance is to help ensure you stay on the right side.

1. **Stop, think and read before you post.** People can be provocative and argumentative. It is difficult not to engage when you are the subject of rumours, misinformation and smear campaigns. Words you say in response cannot be unspoken and even if you delete a hastily fired off blog, post or tweet; people will have read it already. At which point matters are likely to spiral out-of-control quickly. Reflect and take time to think whether you need to post. You do not have to respond to everything at any speed, or at all. Ignore if necessary. If you decide to post, be respectful, keep your dignity and do not say anything that you would not say or share in a public meeting. Read what you have written especially tweets, before posting. Other people may not read your post in the way that you intend; not everyone shares your sense of humour!
2. **You are always on duty.** The fact that you hold public office means that people see your blog, posts or tweets, even if described as being from a personal social media account, as representing the views of your position and party. Anything posted on social media becomes Council business. Including 'Views are my own', 'Personal views', 'Retweets don't indicate an indorsement' or something similar will not make people less likely to think this. Whatever you say reflects on the Council's reputation.
3. **Stay in control of your social media accounts and posts.** Once you post something on social media, it is difficult to retain control over how others will use it or react to it. Other people can manipulate your post without your consent, take it out of context and reference or duplicate your post in places on the web beyond your reach. Think carefully about who has editing rights on your social media account. It is safer to manage your own accounts. You can then decide who can view your media account; what is posted to it; and you can moderate comments and messages against your own judgment of what is offensive or disrespectful.
4. **Consider who really are your friends.** While the terms 'following' or 'friending' just mean you have linked your account to someone else so you can share information, some people may imply an intimacy that is not there. Think carefully about who you request to be 'friends' with or accept 'friend' requests from. Other people may see you requesting or accepting for example, an officer of the Councils as a 'friend' on a

social network site as compromising the professional and impartial relationship between officers and councillors.

5. **Be sure of the facts.** You are in a position of authority so people will believe what you say. You are personally responsible for what you publish on social media. So be careful about what you post and what you retweet and share.
6. **Mistakes happen.** If you do make a mistake, it is better to admit this rather than trying to cover it up. Acknowledge your mistake and delete the offending post or text.
6. **The legal bits.** You have the same personal responsibilities and legal duties online as anyone else and more besides. Before you post, tweet, or blog consider:
  - 6.1. **Defamation.** If you publish an untrue statement about a person that is damaging to their reputation, they may take legal action against you for an injunction and damages. This will also apply if you allow someone else to publish something defamatory on your website if you know about it and do not remove it promptly.
  - 6.2. **Bullying and discriminatory comments.** Behaving in a discriminatory, bullying or harassing way towards any individual including making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief via social media by posting images, links or comments could, in certain circumstances, result in you committing a criminal offence.
  - 6.3. **Obscene material** Nothing should be published that could be considered obscene. Publication of obscene material is a criminal offence.
  - 6.4. **Data protection.** You must not publish or post an individual's personal data unless you have their express written permission. If you include photographs or other images, you will need to consider whether anyone shown in these may reasonably object - consider your obligations under data protection law.
  - 6.5. **Copyright.** Putting images or text on a site/profile from a copyrighted source without permission is likely to breach copyright. Avoid publishing anything you are unsure about, or seek permission in advance. Breach of copyright may result in you paying damages.
  - 6.6. **Code of conduct.** When accepting office as a councillor, you agreed to comply with the standards of behaviour set out in your Council's Code of Conduct. Failure to comply with the Code of Conduct can result in a standards complaint against you.
  - 6.7. **Bias and pre-determination.** If you are involved in determining planning or licensing applications, avoid publishing anything that might suggest that you do not have an open mind about a matter you may be involved in determining. If not the decision runs the risk of being invalidated.

**RESPECT**

**DIGNITY**

**CONTROL**

Monitoring Officer  
May 2023





## Monitoring Officer Guidance to Councillors No 3: Access to information

The Council holds a great deal of information including some that is published routinely, some that is personal data and some that is exempt from publication or confidential. As a councillor you might require information to help you to carry out your role, for example, representing your constituents or carrying out official duties such as being a member of a committee, a lead member or representing the Council on an outside body.

The following guidance is to help you to understand what information you can access.

1. **Same rights as a member of the public.** Being a councillor does not mean that you cannot use those rights to access information that are enjoyed by members of the public. So, you continue to have access to information that is held by the Council and which is publicly available under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or any other statutory entitlement to information or public register.
2. **The need-to-know principle.** As a councillor you have a right to access information that is held by the Council where the information is required to allow you to perform your role as a councillor. This does not mean that you have a roving commission to access any information that the Council holds. The need-to-know principle means that you will usually need to know something if the information involves your official council duties. A need to know will arise where the information sought relates to a committee upon which you sit or where it is reasonably required to deal with a ward matter. When you request access to information, the officer receiving the request has the right to ask why you want the information. If your request is refused by an officer or the officer has doubts about whether you need-to-know, the Chief Executive decides if you should have the information.
3. **Documents containing information relating to items to be considered at a public meeting.** You may inspect any document that is in the Council's possession and contains material relating to any business to be considered at a meeting of the Council, a committee or sub-committee. However, you do not have the right to inspect a document where it appears to the Chief Executive acting as the Head of Paid Service that it discloses exempt information. The categories of exempt information are set out in the Appendix to this guidance and in the Access to Information Procedure Rules in the Council's Constitution.
4. **Exception for members of Overview and Scrutiny Committee.** If you are a member of the Overview and Scrutiny Committee then there will be a presumption that you have the need to know where access is required as part of the scrutiny function to agenda items that are exempt.

5. **Use of Council information.** You have a responsibility to deal with the information in a responsible manner particularly if it is information about an individual or that is confidential. Any information you get in the course of your official duties and which is not public information, must not be used apart from for the specific purpose of fulfilling your work as a member. It must not be used for party political purposes.
6. **The legal bits.** When accessing Council information, consider:
  - 6.1. **Code of conduct.** When accepting office as a councillor, you agreed to comply with the standards of behaviour set out in your Council's Code of Conduct. Failure to comply with the Code of Conduct can result in a standards complaint against you.
  - 6.2. The Code of Conduct reinforces the principle that you should act at all times in the public interest. You should not therefore seek to obtain or use Council information that is not available publicly for your own private interests or those of any other person.
  - 6.3. A breach of confidentiality will be a breach of the Code of Conduct except where you have consent to disclose the information; are required by law to disclose it or the information is disclosed to another person for the purpose of obtaining professional advice provided that the other person agrees not to disclose the information to any other person. Disclosure of confidential information may be made if it is in the public interest, made in good faith and in accordance with the Council's requirements for example in accordance with the Council's whistleblowing policy.
  - 6.4. **Data Protection Act 2018 and the General Data Protection Regulations.** These give people specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it. As a councillor you have three different roles; ward member; member of the Council and party political, depending on which of these you are carrying out at a particular time will determine what personal information the Council can share with you. Further advice will be provided separately.

## ACCOUNTABILITY

## INTEGRITY

## OPENNESS

Monitoring Officer  
May 2023

## Appendix

<b>Category</b>	<b>Condition</b>
1. Information relating to any individual.	See General Note above.
2. Information which is likely to reveal the identity of an individual.	See General Note above
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information in Category 3 is not exempt if it is required to be registered under the Companies Act 1985, the Friendly Societies Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986, or the Charities Act 1993.  Also see General Note below.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	"Labour relations matters" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute.  Also see General Note below
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	See General Note below
6. Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	See General Note below
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	See General Note below

General Note: In all categories, information is not exempt if it relates to development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Subject to this, and the qualification in Category 3, Information in Categories 1 to 7 is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing it.



## Monitoring Officer Guidance to Councillors No5: Dispensations

If you have a Disclosable Pecuniary Interest, Other Registerable Interest, or a Non-Registerable interest in a matter to be discussed at any meeting of the Council or its decision-making bodies, then unless you have a dispensation you must leave the room and may not take part in the discussion and vote on the matter. Guidance Note No1 provides more information about declaring interest.

The following guidance explains how you can apply for a dispensation and what will be considered in deciding whether your request should be granted.

1. **If you need a dispensation, make your request sooner rather than later.** You should make your dispensation request well in advance of the date of the meeting for which the dispensation is sought and, in any event, other than in exceptional circumstances, the dispensation request should be made not less than 3 clear working days prior to the date of the meeting to which the dispensation request relates.
2. **Requests for a dispensation must be made to the Monitoring Officer in writing or by e-mail and preferably using the form at Appendix A.** Using the form ensures that the Monitoring Officer has all of the information that is needed to decide whether your request should be granted.
3. **A dispensation can be granted to you on the following grounds:**
  - 3.1. That so many members of the Council have disclosable pecuniary interests in a matter that it would impede the transaction of the business (i.e. it would otherwise be inquorate).
  - 3.2. That without the dispensation, the representation of different political groups on the Council would be so upset as to alter the outcome of any vote on the matter.
  - 3.3. That the dispensation is in the interests of persons living in the Council's area.
  - 3.4. That without a dispensation no member of the Executive would be able to participate on the matter.
  - 3.5. That it is otherwise appropriate to grant a dispensation.
4. **The Monitoring Officer will consider the request.** Your request will be assessed using the following criteria:

- 4.1 Whether the nature of your interest is such that to allow you to participate would not damage public confidence in the conduct of the Council's business.
  - 4.2 Whether your interest is common to you and a significant proportion of the general public; if this is the case a dispensation is more likely to be granted.
  - 4.3 Is your participation justified by your particular role or expertise?
  - 4.4 Is your interest trivial or remote; if this is the case a dispensation is more likely to be granted.
5. **A dispensation may be granted:**
  - 5.1 for one or more meetings; or
  - 5.2 for a period not exceeding 4 years.
6. **A dispensation may allow you to:**
  - 6.1 speak only; or
  - 6.2 speak and to vote; and/or
  - 6.3 remain in the roomat any meeting of the Council.
7. If you are granted a dispensation, then **you must declare the nature and existence of the dispensation** before the start of the business to which it relates.
8. A copy of the dispensation will be kept with the Register of Councillors' Interests

**OPENNESS****INTEGRITY****ACCOUNTABILITY**

Monitoring Officer  
June 2023

## APPENDIX A



## Request for Dispensation

Your name			
Your Council			
Nature and description of interest for which dispensation sought			
Period for which dispensation is sought <sup>1</sup> .			
<p>Grounds on which the dispensation is sought (refer to grounds set out in the attached guidance).</p> <p>Please provide supporting reasons as to why you consider the dispensation request should be granted.</p> <p>Please state whether you are seeking a dispensation <b>to speak and to vote</b> or <b>to speak only</b> on the matter.</p>			
Signed		Dated	

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<sup>1</sup> Note:

- This may be for a maximum period of 4 years.
- Where a dispensation is sought for a particular meeting, please specify date of meeting.

Monitoring Officer decision	Approved		Refused	
Reasons				
Signed			Dated	

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**In defence of town and parish clerks 2 FAO Mayor/Chairman**

1 message

**David Fairbairn** <David.Fairbairn@swdevon.gov.uk>

23 May 2023 at 14:27

To: WD-Parish Clerks &lt;ParishClerks@westdevon.gov.uk&gt;, SH-All Parish Clerks &lt;SH-AllParishClerks@southhams.gov.uk&gt;

Dear Mayor/Chairman,

A couple of years or so ago I wrote to all of the then town and parish council chairs in South Hams and West Devon raising concerns about an increasing number of complaints from clerks about their being bullied by councillors. Three years on, I am still receiving complaints, although not to the same extent. I am aware however that there has been some turnover in clerks and with the influx of new councillors following the recent elections, I thought that it would be appropriate if I were to re-send a copy of the original e-mail. I would be grateful if the contents could be brought to the attention of all town and parish councillors.

Thank you for your assistance.

Kind regards

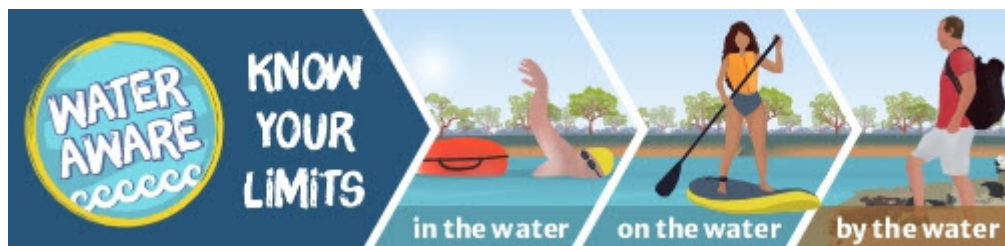
DF

David Fairbairn BSc(Hons) MA Solicitor | Head of Legal Services and Monitoring Officer

South Hams District Council | West Devon Borough Council

Email: [david.fairbairn@swdevon.gov.uk](mailto:david.fairbairn@swdevon.gov.uk)

DD: 01803 861359

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----- Forwarded message -----

From: David Fairbairn &lt;David.Fairbairn@swdevon.gov.uk&gt;



To: "SH-All Parish Clerks" <SH-AllParishClerks@southhams.gov.uk>, "WD-Parish Clerks" <ParishClerks@westdevon.gov.uk>  
Cc: Cara Stobart <cara@devonalc.org.uk>  
Bcc:  
Date: Wed, 10 Mar 2021 15:33:56 +0000  
Subject: In defence of town and parish clerks - preventing bullying and harassment FAO Mayor/Chairman

Dear Mayor/Chairman,

I am writing to you and to all the town/parish councils in the South Hams District and West Devon Borough Councils' areas. I have been a monitoring officer with various local authorities for in excess of 20 years. I have noticed that in the past couple of years a worrying trend in the nature of complaints about the behaviour of town and parish councillors towards their clerks and other employees. The complaints allege bullying, harassment and being treated with a lack of respect by a councillor or councillors. Such is the scale of the issue that the new LGA Model Code specifically refers to degree of respect that is to be given to clerks being greater than between councillors. I am aware that such behaviour has resulted in clerks being unwell and has led to their resignation.

Ultimately, it is not in the clerk's interests or the public interest that clerks and other employees are subject to unwarranted comments that disenable them from performing their duties and which undermine public confidence.

Bullying, harassment and being treated with a lack of respect are all matters covered by the Councillor Code of Conduct. Complaints alleging such behaviour must since the decision in R(Harvey) v Ledbury in 2018 be dealt with under the District/Borough Council's arrangements under the Localism Act 2011. While a town/parish council is able to carry out an initial investigation, it cannot deal with an established breach of the code of conduct by imposing sanctions.

This does not mean that a town/parish council cannot do anything or indeed has no duties towards the clerk. The clerk is an employee. As in any employment relationship there has to be a mutual bond of trust and confidence between councillors and officers. The Employment Appeal Tribunal has held that a councillor is a quasi-employer and that a council can therefore be held liable for the actions of just one councillor. As an employer a town/parish council has a duty under the Health and Safety at Work etc Act 1974 to protect their employees from harm and the failure to provide a safe system is a fundamental breach of the employment contract. While a town/parish council cannot impose sanctions it is able to, and indeed is under a duty to, put measures in place to protect its employees. Measures differ from sanctions in that they are:

- the outcome of a review of the risk to the employee;
- intended to be protective of the employee;
- proportionate to the risk to the employee rather than the seriousness of the breach; and
- accord with the town/parish council's dignity at work or health and safety policies.

I would therefore urge you on behalf of your town/parish council to nip bullying, harassment and a lack of respect at source by ensuring that there you have the following measures in place:

- a dignity at work policy or similar in place;
- a member-officer protocol setting out the relationship and what can or should be the legitimate expectations of members and officers;
- regular training;
- early warning and monitoring feedback; and
- induction arrangements that reinforce standards of behaviour.

I understand that there is a Local Council Governance Toolkit currently being promoted by SLCC, ADSO, NALC and LGG. It is a live tool which will be regularly updated and will provide you with a lot of useful advice. The Toolkit is available via the SLCC website. NALC has also published NALC "Good Councillors Guide to Being a Good Employer" <https://www.nalc.gov.uk/publications>

Yours faithfully

DF

David Fairbairn | Head of Legal Services and Monitoring Officer|BSc(Hons) MA Solicitor

South Hams District Council | West Devon Borough Council

Email: [david.fairbairn@swdevon.gov.uk](mailto:david.fairbairn@swdevon.gov.uk)

DD: 01803 861359



**In defence of town and parish clerks - preventing bullying and harrassment FAO Mayor/Chairman.eml**

17K

# Subject: In defence of town and parish clerks - preventing bullying and harassment FAO Mayor/Chairman



**David Fairbairn** <David.Fairbairn@swdevon.gov.uk>  
to SH-All Parish Clerks, WD-Parish Clerks, Cara Stobart ▼

Wed, 10 Mar 20

You are viewing an attached message. Gmail can't verify the authenticity of attached messages.

Dear Mayor/Chairman,

I am writing to you and to all the town/parish councils in the South Hams District and West Devon Borough Council areas. I have been a monitoring officer with various local authorities for in excess of 20 years. I have noticed the past couple of years a worrying trend in the nature of complaints about the behaviour of town and parish councillors towards their clerks and other employees. The complaints allege bullying, harassment and being treated with a lack of respect by a councillor or councillors. Such is the scale of the issue that the new LGA Model Code specifically refers to degree of respect that is to be given to clerks being greater than between councillors. I am aware that such behaviour has resulted in clerks being unwell and has led to their resignation.

Ultimately, it is not in the clerk's interests or the public interest that clerks and other employees are subject to unwarranted comments that disenable them from performing their duties and which undermine public confidence.

Bullying, harassment and being treated with a lack of respect are all matters covered by the Councillor Code of Conduct. Complaints alleging such behaviour must since the decision in R(Harvey) v Ledbury in 2018 be dealt with under the District/Borough Council's arrangements under the Localism Act 2011. While a town/parish council can carry out an initial investigation, it cannot deal with an established breach of the code of conduct by imposing sanctions.

This does not mean that a town/parish council cannot do anything or indeed has no duties towards the clerk. A clerk is an employee. As in any employment relationship there has to be a mutual bond of trust and confidence between councillors and officers. The Employment Appeal Tribunal has held that a councillor is a quasi-employee and that a council can therefore be held liable for the actions of just one councillor. As an employer a town/parish council has a duty under the Health and Safety at Work etc Act 1974 to protect their employees from harm and the failure to provide a safe system is a fundamental breach of the employment contract. While a town/parish council cannot impose sanctions it is able to, and indeed is under a duty to, put measures in place to protect its employees. Measures differ from sanctions in that they are:

- the outcome of a review of the risk to the employee;
- intended to be protective of the employee;
- proportionate to the risk to the employee rather than the seriousness of the breach; and
- accord with the town/parish council's dignity at work or health and safety policies.

I would therefore urge you on behalf of your town/parish council to nip bullying, harassment and a lack of respect in the bud by ensuring that there you have the following measures in place:

- a dignity at work policy or similar in place;
- a member-officer protocol setting out the relationship and what can or should be the legitimate expectations of members and officers;
- regular training;



Harberton Parish Clerk <harbertonparishclerk@gmail.com>

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**RE: church**

1 message

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**Frances** <frances@washbournefarm.plus.com>  
To: Harberton Parish Clerk <clerk@harbertonparishcouncil.org>

25 May 2023 at 16:09

Dear Cat

Hope you are all well, hopefully you will receive a copy of St peters church annual accounts from Jean blackler as I don't have them on my computer.

I would ask once again for the Parish council to look favourably on the church and hopefully grant us some money to help keep the churchyard looking good for all the village , passers by and visitors to enjoy.

Last year we had lots of good comments re the small garden and some very nice pots that one lady looks after.

Many thanks

Frances Harvey churchwarden and treasurer

# HARBERTONFORD PAROCHIAL CHURCH COUNCIL

## INCOME AND EXPENDITURE ACCOUNT

Year Ending 31st December 2022

### INCOME

Voluntary Income	2022	2021
Collections in Church	313.21	236.80
Profits from Social Functions	2158.99	1208.75
Donations with Offertory Box	194.57	1562.42
P G S	2763.79	2441.22
Sundries	60.00	
Gift Aid		
Churchyard Upkeep Donation	100.00	
	5590.56	5449.19

### Ordinary Income

Fees Paid to the P C C	854.00	525.00
Dividends and Interest	130.21	39.39
Graveyard Grant	450.00	450.00
Feoffees	106.00	106.00
Common War Grave	30.00	
Exeter Diocese Heat Allowance	850.00	
	8010.77	6569.58

### EXPENDITURE

#### The Ministry

Vicars Expenses	657.00	657.00
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#### Parish Ordinary Expenses

Heat, Light, Water and Insurance	2144.55	1892.93
Church Repairs and Organ Tuning	1161.23	
Upkeep of Churchyard	1020.00	250.00
Sundries	40.00	20.00
Donations	316.20	112.70
Service Expenses		
Wedding and Funeral Fees	14.00	
Fire extinguisher check		41.94
Function Expenses	25.00	60.00

	4720.98	2377.57
Payments Outside Church		
Diocesan Parochial Share	1052.00	1400.00
Friends of Exeter Cathedral	25.00	25.00
	6454.98	4459.57

#### HARBERTONFORD PAROCHIAL CHURCH COUNCIL

YEAR ENDING 31st DECEMBER 2022

#### ASSETS

Current Account	5513.75	3957.96
Lottery Account (as at 9th May 2022)	2073.53	1183.33

Nat West Group (RBS Group) 433 Ordinary 100p shares

#### AUDITORS REPORT

I have examined the attached Income and Expenditure Account and list of Current Assets which are in agreement with the books and vouchers of the Parish as submitted to me and in my opinion the accounts fairly represent the position of the Parish

Mrs E J Blackler

15th April 2022



Harberton Parish Clerk <harbertonparishclerk@gmail.com>

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## Request for Grant - St Andrew's Churchyard

1 message

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**Sally Watson** <watsonsm@icloud.com>

8 June 2023 at 13:20

To: "clerk harbertonparishcouncil.org" <clerk@harbertonparishcouncil.org>

Cc: Alicia Stolliday <stolliday@btinternet.com>, Steer Isabelle <isabelle.arthur.steer@gmail.com>

Dear Cat,

I am writing to once again apply for a grant to the church from the Parish Council towards the cost of maintaining the St Andrew's Churchyard. As you are aware an annual grant has been made for some years. Last year the council generously provided £500 and a further grant this year would be so much appreciated.

I attach a copy of our accounts for last year which I understand is required when considering this application. Please do let me know if any further information is needed.

Many thanks and best wishes,

Sally Watson  
Treasurer - Harberton PCC



311222ChurchEndYearAccountsExamined.pdf

358K

# ST ANDREW'S CHURCH, HARBERTON

## APPENDIX 2

Page 1

### Financial Statements for year ending 31st December 2022

#### UNRESTRICTED GENERAL FUND

	2022		2021
	£		£
<b><u>RECEIPTS</u></b>			
<b>Regular Giving and Collections at Services -</b>			
Tax efficient planned giving	7388		5730
Collections at services	<u>729</u>		<u>879</u>
	8117		6610
<b>Other Voluntary Receipts -</b>			
War graves - recurring donation	20		20
Grants - Feoffees	300		300
Legacies	500		250
Donations (inc offertory Box)	<u>226</u>		<u>172</u>
	1046		742
<b>Income from Church Activities -</b>			
Fund-raising events for church running costs	2466		1197
Fees (net)	<u>1073</u>		<u>1580</u>
	3539		2777
<b>Receipts from Investments -</b>			
Interest	<u>1125</u>		<u>1088</u>
	1125		1088
<b>Tax Recovered -</b>			
Gift Aid recovered	3559		1192
VAT recovery (via fabric account)	<u>56</u>		<u>51</u>
	3615		1243
<b>Other Receipts</b>			
Rebate for Electricity Payment	33		
Subsidy from diocese for fuel costs	400		
Donations from HCCF - Music Licence	<u></u>		<u>50</u>
	433		50
<b><u>Total Receipts</u></b>	<u><u>17875</u></u>		<u><u>12509</u></u>
<b><u>PAYMENTS</u></b>			
<b>Church Worship and Mission -</b>			
Parish Share	8398		6000
Clergy Expenses	<u>1332</u>		<u>1332</u>
	9730		7332
<b>Church running costs -</b>			
Utility Costs	1619		891
Insurance	3576		3366
Admin - Music Licence	84		80
Church & churchyard maintenance	<u>501</u>		<u>325</u>
	5780		4662
<b>Charitable donations through special collections at services -</b>			
Children's Soc	160		
Totnes Food Bank	175		
British Red Cross - Refugee Work	<u>200</u>		
	535		0
<b>Other -</b>			
Costs of fund raising - Pop Up Café expenses	163		
Reclaimed Gift Aid transferred to Fabric Account	365		
New Altar Frontal	<u>616</u>		
	1144		0
<b><u>Total Payments</u></b>	<u><u>17189</u></u>		<u><u>11994</u></u>
Excess/Deficit of receipts over payments	685		515
Opening Balance: 1st January	925		410
<b>Closing Balance: 31st December</b>	<u><u>1610</u></u>		<u><u>925</u></u>



# ST ANDREW'S CHURCH, HARBERTON

## APPENDIX 2

Page 2

### Financial Statements for year ending 31st December 2022

#### RESTRICTED FUNDS FOR FABRIC REPAIRS

##### 1. Church Fabric Fund - can be used for any aspect of church renovations or maintenance

	2022 £	2021 £
<b>RECEIPTS:</b>		
Friends Scheme' Donations	1191	1376
Other Individual Donations for Fabric	300	225
Donations during photographic exhibition	287	
	<u>1778</u>	<u>1601</u>
<b>Harberton Church Community Fund Grants:</b>		
Harberton Church Community Fund (HCCF) donations - Architect's costs 2019		402
Harberton Church Community Fund (HCCF) donations - Architect's costs 2020		513
Harberton Church Community Fund (HCCF) donations - clock chamber floor		3629
Harberton Church Community Fund (HCCF) donations - ceiling inspection		2313
Harberton Church Community Fund (HCCF) donations - vault repair	804	
	<u>804</u>	<u>6857</u>
<b>Other Grants:</b>		
Grant from National Churches Trust - clock chamber floor repair		5725
Grant from National Churches Trust - roof inspection	4000	
Grant from National Churches Trust - Naylor award for excellence in church maintenance	2500	
Grant from Parish Council - churchyard maintenance/repairs	500	950
Grant from Elmgrant Trust - ceiling inspection		1750
Grant from Viscount Amory Trust - ceiling inspection		500
Grant from Devon Historic Churches Trust - ceiling inspection		1000
	<u>7000</u>	<u>9925</u>
<b>Tax Reclaimed:</b>		
VAT reclaim on work completed	3080	4833
Gift Aid Reclaim on donations (transferred from general fund account)	365	665
	<u>3445</u>	<u>5498</u>
<b>Other:</b>		
Transfer from Clock Legacy Restricted Fund to cover costs of clock repair	585	10170
Transfer from Headley Trust for previous work on the tower carried out by Vitruvius		2152
Temporary transfer from Reserve to Fabric Fund - to cover contractor payments/VAT	3277	2441
Interest	3	1
	<u>3865</u>	<u>14763</u>
<b>Total Receipts:</b>	<u><u>16893</u></u>	<u><u>38644</u></u>
<b>PAYMENTS:</b>		
Solicitor's Fees in respect of Faculty Applications	263	56
Architect's Fees:		
Preliminary advice - porch railings, ceiling/roof investigation.		1663
Clock Chamber Floor		648
Quinquennial Inspection		813
Ceiling Inspection and Report (in two halves)	1551	1552
Payment for earlier work on clock chamber floor	2352	
Preparation work on vault repair	1224	
Repair to church vault (John Mayne)	2880	
Door Hand Rails (S Larcombe)		2500
Clock Chamber Floor Repair (Williams and Burrows)		5885
Clock Repair inc VAT (Cumbrian Clock Company)		12205
Servicing of church clock	222	
Improvements to Church Lighting (Havills)	593	
PAT testing of Electrical Appliances (Havills)	160	
Replacement of electrical boxes in vestry	427	
Replacement of roof tiles and repair to flashing (R Christie)		200
Bat Survey (D&H Wills)		360
Structural Engineering Costs - ceiling inspection (Carpenter Consultancy)		739
Ceiling Inspection (Williams and Burrows)	502	10300
Repair to oil tank pipe (South West Plumbing)	96	
Transfer to General Fund for VAT paid on utilities	56	51
Transfer to increase Reserve Fund (Business Account)	5718	1723
	<u>16044</u>	<u>38695</u>
<b>Total Payments:</b>	<u><u>16044</u></u>	<u><u>38695</u></u>
<i>Excess of receipts over payments:</i>	849	-51
<i>Opening Balance - 1st January</i>	<u>1307</u>	<u>1358</u>
<i>Closing Balance - 31st December</i>	<u><u>2156</u></u>	<u><u>1307</u></u>

## Financial Statements for year ending 31st December 2022

**RESTRICTED FUNDS FOR FABRIC REPAIRS (Continued)**

	2022 £	2021 £
<b><u>2. For Church Clock - Legacy and Donation</u></b>		
<i>Receipts:</i> None in 2021 or 2022		
<i>Payments:</i>		
Transfer to Fabric Fund to cover payment to Cumbrian Clock Company (net of VAT)	585	10170
<i>Excess of receipts over payments</i>	-585	-10170
<i>Opening Balance - 1st January</i>	585	10755
<i>Closing Balance - 31st December</i>	<u>0</u>	<u>585</u>

**3. For Church Tower Roof and Main Roof Guttering - Headley Trust Grant**

<i>Receipts:</i>		
Interest (through deposit in NS&I savings account)	3	1
<i>Payments:</i> None in 2022		
Withdrawal to Fabric Fund in respect of work on tower completed in 2018		2152
<i>Excess of receipts over payments</i>	3	-2151
<i>Opening Balance - 1st January</i>	2993	5144
<i>Closing Balance - 31st December</i>	<u>2996</u>	<u>2993</u>

**4. For Church Maintenance - aspects of fabric for which HCCF have previously provided renovations funding**

<i>Receipts:</i>		
Grant from HCCF in respect of clock chamber floor repair		1057
Interest (through deposit in NS&I savings account)	2	
<i>Payments:</i> None in 2020, 2021 or 2022		
<i>Excess of receipts over payments</i>	2	1057
<i>Opening Balance - 1st January</i>	1807	750
<i>Closing Balance - 31st December</i>	<u>1809</u>	<u>1807</u>

**RESERVE FUND - contingency 'emergency' fund for any unanticipated church costs**

	2022 £	2021 £
<i>Receipts:</i>		
Transfer from Fabric Account to bring Reserve to PCC agreed level of £8,000		1723
Transfer from Fabric Account to bring Reserve to PCC agreed level of £8,000	5718	
<i>Payments:</i>		
Temporary 'loan' from Reserve Account to pay VAT on Ceiling inspection work		2441
Temporary 'loan' from Reserve Account to pay contractors	3277	
<i>Excess of receipts over payments:</i>	2441	-718
<i>Opening Balance - 1st January</i>	5559	6277
<i>Closing Balance - 31st December</i>	<u>8000</u>	<u>5559</u>

## ST ANDREW'S CHURCH, HARBERTON

## APPENDIX 2

Page 4

## Financial Statements for year ending 31st December 2022

SUMMARY OF ALL FUNDS HELD at 31st December 2022

	2022 £	2021 £
General Fund	1610	925
Restricted Funds for Clock Work - obtained from Legacy and Donation	0	585
Restricted Funds for Tower and Guttering Work - obtained from Headley Trust	2996	2994
Restricted Funds for specific Maintenance Work - obtained from HCCF donation	1809	1807
Restricted Funds for any aspect of Fabric - obtained from Friends, other fabric donations and grants	2156	1307
Reserve Fund	8000	5559
<b>TOTAL FUNDS HELD</b>	<b>16571</b>	<b>13177</b>

STATEMENT OF ASSETS at 31st December 2022 - bank accounts in which funds are held

		2022 £	2021 £
<b>Bank Accounts</b>	<b>At end of 2021 holding funds for:</b>		
Current Account - 'Treasurer's' - Lloyds Bank	(Current general expenditure - running costs)	1610	925
Current Account - 'Fabric' - Lloyds Bank	(Friends, other fabric donations, grants received)	2156	1307
Business Savings Account - 'Reserve' - Lloyds Bank	(Church Reserve)	8000	5559
NS&I investment Account	(Headley Trust and Maintenance Fund)	4805	5386
<b>TOTAL</b>		<b>16571</b>	<b>13177</b>

INVESTMENTS (held by Diocese) - legacies provided to give church income

	2022 Info awaited	2021 £
Central Board of Finance (37 shares - clock)	764	865
Central Board of Finance (125 shares - organ)	2581	2923
Central Board of Finance (39.46 shares - organ)	815	923
Central Board of Finance (1629 shares - from Old Hall sale) - For 'ecclesiastical purposes' i.e. not fabric repairs	33632	38097
<b>TOTAL</b>	<b>37792</b>	<b>42808</b>

The Independent Examiner's Report is attached to these financial summaries.

PCC Agreement

These financial summaries were agreed by the PCC at its meeting on 9th January 2023

Signed:

Rev'd D Sayle, Chair of the St Andrew's, Harberton PCC

Date:

24.04.2023

**Independent Examiner's Report to members of the Parochial Church Council  
(‘The Trustees’) of St Andrew’s Church, Harberton**

I report to the trustees on my examination of the accounts of the Parochial Church Council of St Andrew’s Church, Harberton (the ‘Trust’) for the year ending 31<sup>st</sup> December 2022.

**Responsibilities and basis of report**

As the charity trustees of the Trust you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 (the ‘Act’).

I report in respect of my examination of the Trust’s accounts carried out under section 145 of the 2011 Act and in carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

**Independent examiner’s statement**

I have completed my examination. I confirm that no material matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. Accounting records were not kept in respect of the Trust as required by section 130 of the Act; or
2. The accounts do not accord with those records.

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached.

Signed: *Stanley J Oldfield* Date: 23 April 2023,

Stanley Oldfield,  
Chancery Cottage,  
Harberton,  
Totnes  
TQ9 7SE