



MINUTES

Meeting: ANNUAL PARISH MEETING **Date:** 18th April 2019 **Time:** 7.00 PM

Venue: COUNCIL OFFICES, HAINAULT ROAD, CHIGWELL

PRESENT: Councillors (3)

Darshan Singh Sunger (Chairman), Naveed Akhtar, Alan Lion and Barry Scrutton.

Officers (2)

Anthony Belgrave - Clerk to the Council

Mark Hembury – Responsible Financial Officer

Also in Attendance (34)

There were thirty-four members of the public in attendance.

18.00 RECORDING OF MEETINGS

NOTED that in accordance with Standing Order 3 (i) photographing, recording, broadcasting or transmitting the proceedings of a meeting may take place.

18.01 APOLOGIES FOR ABSENCE (3)

Apologies for absence were received from Councillors Richard Alvin, Roger Farthing and Brian Sandler.

18.02 OTHER ABSENCES (2)

Councillors; Deborah Barlow and Kewal Chana.

18.03 MINUTES

The Minutes of the Annual Parish meeting held on 19th April 2018 were **CONFIRMED**.

18.04 CHAIRMAN'S REPORT

The meeting **RECEIVED** the Chairman's Annual Report which outlined the Council's achievements during the previous twelve months since the last Annual Parish meeting.

The Chairman welcomed attending public to the Annual Parish Assembly. He stated that this is the twenty-fourth Parish Assembly, held since the Parish Council was first reconstituted in April 1996, it is the first time he has been bestowed with the Chairmanship of this Council and that it has been his pleasure to work alongside fellow Parish Councillors and serve the Chigwell community. He then proceeded to read the Chairman's report, as follows:

I would firstly like to extend my gratitude to the Vice Chairman; Councillor Richard Alvin, my predecessor; Councillor Alan Lion, other Councillors and to our dedicated staff, for their continuing support, advice and encouragement throughout the year.



During my tenure as Chairman, the Parish Council has continued to deliver a variety of services to local residents and introduced new services to the existing repertoire.

The Chigwell Cemetery continues to be a highly esteemed service to the entire community and has benefited from the recently completed renovation and replacement of the pathways in the Memorial Section.

This year Chigwell Parish Council has launched a new dedicated free 'Hail and Ride' Community Bus Service. This scheme has been realised as the result of a partnership agreement with Epping Forest Community Transport. This project is very much tailored toward the residents of Chigwell and is one of the first such schemes in the entire country run by a Parish Council. The overriding response from residents has been favourable, especially from Chigwell Row, because school children living in this area can now more easily commute to and from West Hatch High School. Limes Farm residents are also better connected to Chigwell Library and the Underground stations, within the Parish. The service operates throughout the day from 7am – 8pm, Monday to Friday, further details may be sort on the website or from the Parish Council Staff.

Chigwell Parish Council has assumed all managerial and administrative responsibilities for the Victory Hall. It is intended to continue to offer this venue for hire for a wide range of functions both during the week and at weekends. An electronic calendar is soon to be uploaded onto the website, along with a booking form, and conditions of hire. Further enquires may be made by contacting Parish Council Staff.

This Council has unanimously opposed the closure of Chigwell Library. We have supported the efforts of residents in their efforts to ensure their views concerning this matter are heard.

The Parish Council has facilitated two presentations by the Police, Fire and Crime Commissioner for Essex, to discuss with residents a variety of policing issues pertinent to Chigwell and hear the related concerns of residents. The Deputy Police, Fire and Crime Commissioner, Jane Gardener attended a meeting of the council in March 2018. She reported that burglaries have been reduced by more than 50%. Crime statistics in December 2017 were 37, compared to 17 on December 2018.

I have been reliably advised that a further two-hundred and fifteen police officers will become available with the boundaries of Essex and Brentwood, this number is in addition to the one-hundred and fifty currently operating.

In conclusion, this has been a thoroughly rewarding experience, I am most grateful for the assistance of my colleagues and staff at Chigwell Parish Council and to the residents themselves.

The Chairman then invited members of the public to submit questions appertaining to matters over which the Parish Council has some form of control.



18.05 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chairman then invited members of the public to present questions, appertaining to matters over which the Parish Council has some form of control.

The 1st question:

Councillor Sunger, you mentioned the bus in your Chairman's report, the cost of which has been over ¼ million pounds, for the purchase, the operation costing approximately £97,000.00p this year. So far to date, despite Parish Council promises no public money would be expended on this service, only £150,000 has been received from S106 agreements, thus far the balance has come out of financial reserves, the contract was due for renewal on 1st April 2019. Can you tell us if it's going to be continuing, who has done the financial appraisal and given the fact that no further S106 monies have been agreed and no money has been forthcoming from Chigwell Primary, is the money required coming out of the reserves, are there any alternative contingency plans? Why were we assured the funding would not be drawn from the monetary reserves of the council and who did the financial appraisal for this project?

In response, the Chairman advised that the Community Bus Service Management Committee, was established to look at the contract and respective service, however the Chairman of that committee is not here tonight. The question would be better answered if he was here, he further offered that the required answers to these very valid questions be provided in writing at a later time. The public attendee then asked how other attendees would have access to these written answers? In response the Clerk suggested that these answers would be published as an appendix to the minutes of this meeting.

Answer:

The Chairman of the Bus Management Committee: Former Cllr Richard Alvin resigned the following week after the AGM and he didn't furnish response to this question. I can provide an update having spoken to the RFO and the Clerk that the bus service has been halted and that we are waiting to hear back from EFCT regarding a pay as you go service.

The 2nd question:

Was it the Crown Prosecution Service, Police or Parish Councillors who decided the employee who stole over £150,000 from the Parish Council would not be prosecuted?

Answer:

Former Cllr Knapman was responsible for dealing with this incident, I am unable to provide a full answer. The Clerk as the proper officer may be able to furnish details of any recorded meeting relating to this matter.

The Chairman asked the Clerk whether this question should be answered. In response, the Clerk suggested that the question itself contains mistaken assumptions which, he preferred were corrected before the question could be answered. The Clerk advised that either Parish Councillors or the council contributed to this decision-making process, as insinuated in the



respective question. Further, in view of this fact the Clerk suggested that this question should be re-directed to the appropriate authorities.

Another member of the public suggested that this question was legitimate and should be answered. In response, the Clerk re-iterated that the matter was considered by an authority external to the Parish Council and their decision not to prosecute was formulated based upon evidence presented. In response to further questions, the Responsible Financial Officer stated that an Insurance Claim made by the Council, allowed for the complete re-imbursement of the monetary fraud committed. In response to further questions, the RFO advised there may have been an excess of approximately £100. Further questions were asked by several public attendees requesting the exact figure, because suggestions were verbalised by attendees that the amount was higher than indicated.

The 3rd question:

How did the monetary fraud happen and what action has been taken to prevent the re-occurrence of such an incident?

Answer:

In response, the RFO advised that a number of checks and balances did exist, that were not strictly adhered to, this allowed money to be taken without being immediately noticed. When this fraud was discovered, a methodical review was conducted, an Internal Audit Report was subsequently produced, which detailed a number of recommendations, all of which have been fully implemented. This includes the alteration of banking procedures, so as no single individual may undertake financial transactions and transfers.

The 4th question:

I heard in December 2018, that the Street lighting would begin operating again in January 2019, What further information do you have on this issue?

In response, the Chairman suggested that Councillor Lion could provide an answer to this question, in view of his position as a district councillor and EFDC Cabinet member. Councillor Lion stated he knew nothing about the matter, only that the Parish Council was pursuing this project at district level. The Chairman stated that the Parish Council has formerly submitted an 'Expression of Interest' in a proposal, for the reinstatement of Night-time Street lighting. However, in order to seek best monetary value, the Parish Council has requested further clarification on how the suggested expenditure of £16,136.96 was determined; presently the council is still awaiting an appropriate response.

Answer:

The street lights have been put back on and payments are been made to EFDC.

The 5th question:

There was a sixty-year lease on the site for Victory Hall, which expired earlier this week, Chigwell Parish Council purchased the site from Epping Forest District Council, approx. two years ago, so the site could be used for the Chigwell Community Hub. Plans were drawn up and the proposed structure would encroach onto the land to the rear of the existing building,



designated Green Belt, thus incurring opposition from residents and the plan was dropped. So the original purpose for terminating the lease appears to have vanished. The Parish Council has decided to allow the lease to go to termination, but that lease was a lease on the site and the lease tenants: Lewis Memorial/ Victory Hall Foundation raised the funding to construct the buildings on this site. Under the Landlord and Tenants Act, the Foundation are entitled to compensation for those buildings, now the Parish Council has decided to terminate the lease. My estimate is that the value of those buildings would go into seven figures, several millions. What provisions have the Parish Council made to pay that sum, what steps have you taken to resolve these matters. The Foundation have declared they have a claim against the Parish Council. What steps did you take when it was purchased from EFDC, to be aware of that liability?

Answer:

In response, the Chairman stated that this question clearly warrants a comprehensive answer and I don't have all the information to provide an answer, and a lot of the matters raised occurred prior to my service as a Parish Councillor. He further advised that there is a Victory Hall Committee, the respective lease has expired, and the management of this asset is undertaken by the Parish Council.

In response to further questions the Chairman advised that the Parish Council did engage professional legal advice on these matters and the Chairman of the aforementioned committee would be best placed to answer these questions. In response to further challenges, the Chairman stated that he is uncertain, and the Victory Hall Committee would provide the written answers requested. In response to further public questions, the Chairman then suggest the Clerk give some answers. The Clerk stated that having listened to the question, there are a few false assumptions which he wishes to correct. Firstly, the respective lease expired, the Parish Council did not decide to terminate this lease. In response to further questions he advised that as the Clerk he could not rationalise decisions, only confirm the decisions were made and that appropriate, professional legal advice was engaged during these decision-making processes, which have been comprehensively documented. He further suggested that the details of these meetings could be examined by referring to the respective minutes, which have been published in the usual manner. In response to further questions, the Clerk advised that meetings with trustees of the Foundation did occur. In response to further questions, the Chairman interjected, stating that whilst these questions do warrant appropriate answers, it should be the Victory Hall Committee that should be providing written answers to these questions.

The 6th question:

I believe the Parish Council has allowed the lease on the Chigwell Member's Club to continue, on what basis does the Parish Council do so, knowing that the Parish Council does not own the building?

Answer:

The Clerk stated that he does not have the answer to this question. In response the public attendee suggested that the council does not have the right to issue a new lease, because their ownership is limited to the site, excluding the buildings which are owned and occupied by the



Chigwell Member's Club/Lewis Foundation. Again, the Chairman interjected asking if Councillor Lion could confirm he is a member of the Victory Hall Committee. The Chairman then requested if Councillor Lion could enlighten the attending public on these matters. In response Councillor Lion stated that he could not. In response to questions, Councillor Lion said that he did not disagree with any of the points made by the public attendee, asking these questions. In response to the public attendee's determination that the council is wrongfully pursuing a lease it has no statutory right to uphold, the Clerk re-confirmed that in it's decision-making processes it has engaged professional legal advice. The Clerk then advised that a preliminary lease has been drafted, but not yet approved by the council. This action was done on the instruction of the council, by a professional solicitor, in view of this it would be highly peculiar these matters under discussion and the question of 'title' had not been thoroughly considered by the appointed professional solicitor.

The 7th question:

The Foundation Trustees have been asking for a lease extension for seven years and the Chigwell Member's Club committee have been asking for their extension for twelve years. Why has the Parish Council decided to take back the property, when the respective services were running perfectly normally, why was the previous idea of giving a rolling lease rejected and why did the council decide to assume this responsibility, giving their staff even more work?

Answer:

In response, the Chairman asked the Clerk if he would like to respond. The Clerk then re-emphasized that it is not within his remit to provide a rationale for the council's decisions. However, he can confirm the original concept, was to develop the site and construct a purpose-built Community Hub, to include, enhance and supplement the current municipal services. Subsequent circumstances, disallowed the viability of this project, thus after the appropriate further considerations, the council then decided to allow the existing lease to expire and grant a newly drafted standard lease to the Chigwell Member's Club, thereby allowing this establishment to continue the existing arrangement.

The 8th question:

Annual Governance assertions require that the Parish Council are duty bound to undertake financial appraisals before you commence any significant project. Who carried out the financial appraisals for Victory Hall and what contingencies were allowed for, and where can we see a copy?

Answer:

In response, the Chairman suggested that this question could be referred back to the Victory Hall Committee. When questioned by the Chairman, the Clerk stated that no such appraisal had been conducted to his knowledge, however the intent of the council was to administer the Victory Hall in a similar fashion to the previous tenants: namely the Lewis Memorial/Victory Hall Foundation. The Clerk acknowledged this does not answer the question, the Chairman then interjected stating that an appropriate answer would be provided in due course. Councillor Lion then interjected, stating that as a member of the respective committee, he has asked that exact question, the answer was it is too late in the day and we will have to do it. The Chairman of this committee – Cllr Alvin resigned week following the AGM, so have been



unable to obtain a fuller answer. Minutes of the committee meetings can be obtained from the Chigwell Parish Council

The 9th question:

There appears to be lack of accountability and transparency in the Parish Council, what steps have you as the Chairman, put in place to increase transparency and avoid any mishaps, as have occurred previously?

Answer:

In response, the Chairman invited the Responsible Financial Officer to provide an answer. The Responsible Financial Officer advised that the Parish Council has adopted Standing Orders and Financial Regulations, which must be adhered to, so the council are responsible for oversight of council business

The 10th question:

The Internal Auditor made a recommendation that all spends over £500 be published online, it is a legal requirement since 2014, the Council have not been publishing that online. This action was not undertaken until I sent an email, asking why this was the case. Could you tell me why this recommendation was not acted on?

Answer:

In response, the RFO stated that he does not recall the report mentioning that recommendation specifically, however he does acknowledge this action was undertaken when highlighted by the aforementioned correspondence, he further advised that it is now the policy of the council such expenditures are comprehensively published. He suggested the council's non-compliance with the original recommendation was probably an over-sight.

The 11th question:

A previous response made reference to the Standing Orders and Financial Regulations, which are incredibly important guidelines which maintain the stability of the council. There is an issue whereby the external audit was challenged by the Chigwell Residents Association last year, correspondence was sent to the Chairman on the 12th August 2018. The External Auditor then wrote to the Parish Council at the beginning of January 2019. The Standing Orders and Financial Regulations specifically require that any correspondence from the External Auditors is shared without undue delay with all Councillors, yet it appears the Parish Council's response to the auditor and the initial correspondence was not shared with the Councillors, nor was the challenge correspondence. There is an emergency general meeting, next Thursday where Councillors are being asked to approve the correspondence that was sent to the External Auditor in January 2019, they are not provided with the challenge correspondence or the Auditor's correspondence. How can they be expected to approve a response that has already been sent, when they don't have any of those background papers and why are they being asked to approve something that has already been sent, why were they not asked before the correspondence was sent?



Answer:

In response, the RFO advised that councillors have been provided with the communications as described. Further, it is the decision of the council to approve or amend, the response or otherwise, after due considerations, at the aforementioned meeting. In response to further questions, the RFO confirmed that all councillors have received the correspondences as previously mentioned. The Chairman then interjected, stating that these questions are very important and for this reason the council is holding an emergency meeting, to consider the response sent to the External Auditor. The Clerk advised that the financial regulation referenced in the previous question states:

"2.10 The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from the internal or external auditors."

The Clerk then advised that the RFO has complied with this regulation. The RFO stated that immediately on receiving the correspondence from the auditor, he advised the Chairman, Vice-Chairman and the Chairman of the Finance & Performance Committee. In response to a further request the Clerk then read Financial Regulation 2.10 again. In response to a question Councillor Lion stated that the aforementioned correspondence came to his attention in 12th March 2019, when he wrote to the RFO. In response to further questions, the Clerk advised that the matter being considered at the extraordinary council meeting is the response to the external auditor, further the external auditor advised the council that an appropriate response was required within a specified timeframe. Further, the External Auditor had erroneously overlooked the original correspondence, they were duly reminded by the Parish Council, and then subsequently requested that the original information be despatched again. In response to further questions, the RFO stated that the email received from the External Auditor apologies for the oversight, that they had forgotten the initial enquiry.

The attendee stated that the external correspondence received by the council in January 2019, was not circulated to all councillors until March 2019, this appears to be a clear breach of Financial Regulations, the reason for this regulation is to detect and prevent fraud. The RFO stated that he was willing to accept responsibility for this occurrence, there was no secrecy or intent to hide anything. He reiterated that he advised the aforementioned Councillors immediately of the situation and his intention to draft an appropriate response, an action he believed was within his role as the Responsible Financial Officer, to address factually the matters raised in the original enquiry and despatch this response within the required timeframe, as requested by the External Auditor. Further, if at the subsequent meeting, having considered the matter, this council have an alternative view, I am willing to accept that verdict. He emphasised that there is nothing underhanded here, there is no secrecy and he is not trying to hide anything. He reiterated that he is only trying to do the job. The public attendee stated that one of the councillors that was informed of the response was in fact the subject of the original enquiry. The attendee suggested that this circumstance made it highly inappropriate, and such situations were why financial regulations existed in the first place.



The 12th question:

Does the Victory Hall Committee make all the decision pertaining to Victory Hall, as it appears none of the councillors seem to know what's going on?

Answer:

In response, the Chairman stated that his understanding is that they make recommendations, which are to be ratified by the council. The Clerk advised that committees have been given the Power to Act, the decisions of these committees would be reported to Council for information rather than ratification, unless this decision would result in an expenditure of over £2,500, which will require ratification from the Chairman and Vice-Chairman, whilst any decision that will result in an expenditure of over £5,000, will require ratification from the Council, prior to implementation. In response to further questions, the Clerk stated that the Parish Council made the decision not to renew the existing Landlord/tenant lease between the Lewis Memorial Foundation and Chigwell Parish Council, in October 2018. This decision was recorded, and that document was sent to all members and published in accordance with council regulations. This decision was then confirmed, and the respective record published shortly thereafter. In response to further questions the Clerk stated that the minutes of these decisions were confirmed by the council and may be referenced by the public, as they have been published for several months.

The 13th question:

This is the first time I have attended one of these meetings and it appears none of the attending councillors or the Chairman knows what is going on, could you explain why this is the case?

Answer:

In response, the Chairman stated that we have a cluster of committees. In response to further questions the Chairman stated that there is a Chairman for each committee. Each committee has been assigned to discuss and debate respective matters and then come back to council for ratification. These discussions are recorded, confirmed and the public have access to these documents.

The 14th question:

In response to further discussions/questions, the Clerk asked if the public attendee could repeat their questions.

Does the Council accept it has a liability toward the Lewis Memorial and Victory Hall Foundation for payment pertaining to the buildings on the site? The Clerk stated the Parish Council cannot publicly admit liability.

The public attendee enquired; how does the Foundation establish a dialogue with the council over an asset you have taken, without an acknowledgement this asset has been taken?

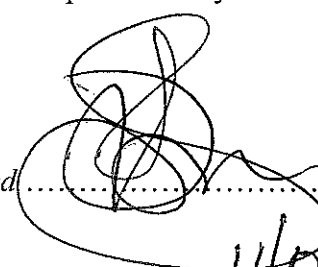
Answer:

In response to further questions, the Clerk stated that the Foundation are most welcome to correspond with the council, and meetings have occurred between representatives of the council and the trustees of the Foundation in the past. The attendee then asked if the council intends to propose a resolution to the aforementioned matters and the question of the tenant improvements on the Victory Hall site. The Clerk interjected, stating that late last year the



council considered a surveyor's report. This document was a final schedule of dilapidations and wants of repair, found to have accrued at the property, under the terms of the lease between the council and the respective tenant. That report was produced in November 2018, an electrical installations report was also considered at this meeting. The former resolution to not renew the existing lease was then re-confirmed by the council, and an approved record of this meeting was accordingly published.

In conclusion, the Chairman thanked the attending members of the public for their questions and advised that the matters which could not be comprehensively answered will be investigated in due course.

Signed 
Date 11/06/2020
former Chairman