

Mr Solnick and Ms Richardson greetings,

In this e-mail I suggest that it would be best for everyone concerned if Walberswick Parish Council, [WPC] as a local authority and corporate public body, did not seek to involve itself in the “Christmas Carols” as a principal and more importantly give specific reasons why it should withdraw the proposition for “Santa's Christmas Grotto” in the Heritage Hut and the free distribution of toys and gifts paid for with public funds from the precept.

1. The conflation of two different matters in to a single WPC meeting agenda item has unhelpfully occurred before at WPC. On at least one memorable occasion, when David Webb was the Chairman, this seemed an attempt by WPC to be opaque and to get something agreed, camouflaged behind something else, avoiding proper consideration or awareness by the public. This resulted in all sorts of problems and difficulties for WPC.

“Christmas Carols”

2. Carols are sung around a Christmas tree in Walberswick each year by people locally. This is an informal, festive and non-problematic activity. Why are WPC, as a local authority and corporate body, claiming any responsibility for or involvement in organising the “Christmas Carols” [“CC”]? I was certainly not aware of the carol singing being organised by the local authority, WPC. My impression has always been that people locally themselves arranged this. I do not wish to raise with WPC any issues about the carol singing. However, I do think that the Clerk and parish councillors and WPC as a whole should give serious thought whether it is appropriate or necessary for WPC, as a corporate body, to claim or imply any involvement or responsibility for organising the “CC” with all the consequences that flow from such a claim. I suggest that WPC, as a local authority and Mr Solnick in particular as Clerk and Responsible Finance Officer do not get involved and leave it to people locally with support, financial and/or practical, from WPC if the Council think it appropriate. If the “CC” really is to be a WPC organised event you must go through all the burdensome administrative hurdles and certainly fully inform your insurers.

“Santa's Christmas Grotto”

3. WPC, as a public authority and corporate body, installing a “Santa's Christmas Grotto” [“SCG”]in the Heritage Hut [“HH”]; WPC 'appointing' a person as “Santa”; and WPC using the precept to purchase toys and gifts to be given away to each and every child who visits the “Grotto” to meet “Santa” between the hours of 3pm to 5pm on 20 December 2014: are different matters entirely. These proposed activities by WPC certainly do give rise to serious questions and concerns.

4. The first and only intimation of WPC installing a “SCG” was when the Clerk, Mr Solnick, put it on the WPC Agenda for the 01.12.14 meeting. At the meeting Ms Richardson, as Chairman, stated that this was a proposal from Mr Goodman. No motion or report or any supporting documentation was put before WPC by Mr Solnick, the Clerk or Mr Goodman. It was clear that Mr Gower, Mr Hosea and Mr Sutton did not know anything of the proposal or the forthcoming motion from Ms Richardson that she asked WPC to agree. Mr Goodman himself and Ms Haslegrave were absent from the meeting.

5. Under questioning Ms Richardson amplified Mr Goodman's proposed motion and proposition as an event:-

- **To be organised by WPC.**
- **WPC to install a “SCG” in the “Heritage Hut”.**
- **WPC to 'appoint' a person as “Santa”.**
- **WPC to invite children [undefined but to include all children without exception] to visit “Father Christmas” for 2 hours on the Saturday before Christmas.**
- **Where each child is to be given free by WPC a toy or gift appropriate to their gender and age.**
- **Where all children without exception were to be invited by WPC and were free to attend.**
- **Where WPC would allocate a “pool” of cash from the precept to be spent by WPC to purchase toys from a toy shop in Halesworth to provide the free gifts for children attending “SCG”.**

6. Some discursive incomplete and confused discussion took place. Then, in the absence of a written motion from Mr Goodman, a verbal proposition from Ms Richardson was put by her to the meeting, seemingly on Mr Goodman's behalf, that there should be a “SCG”, held on these terms. This was agreed by Ms Richardson, Mr Hosea and Mr Sutton. Mr Gower abstained. The Clerk, Mr Solnick, seemed to utter some muted concerns, but these went unheard. As mentioned earlier, Mr Goodman, the proposer of WPC's “SCG”, and Ms Haslegrave were absent.

7. I see problems with this WPC decision, and I think the Clerk, the parish councillors and WPC should too. Ms Richardson's proposition, on behalf of Mr Goodman, does not seem to have been adequately or properly thought through or appropriately considered by WPC.

i) What action will be taken by WPC to ensure the “safeguarding” of children? It was evident at the December WPC meeting that no consideration was given and no decision was made by WPC, as yet, as to whom would be 'appointed' as “Santa”. The individual who WPC chooses will be in a “one to one” situation with young children and will almost certainly require a current relevant CRB clearance specific to this role. If there are to be any, so probably will “Santa's” elves and little helpers and indeed anyone else involved in the event likely to be in contact with the children. Ms Richardson, as a teacher will know that a CRB clearance is not transferable between roles and, as I understand it, not even between different education authorities. Obtaining the appropriate CRB clearances rests with and is the responsibility of WPC. I am sure your insurers will insist on these CRB checks and clearances. Presumably, they will need to be sought and obtained by Mr Solnick, the WPC Clerk and Proper Officer.

ii) What supervisory and 'policing' arrangements is WPC going to make for “SCG”? By opening the event to any child without exception and offering a free gift to every attendee, this WPC event could prove very popular with parents and children alike well beyond Walberswick, Southwold, Blythburgh, Dunwich, Wenhaston, Westleton and the surrounding area. It is even possible that when Mr Solnick advertises the event, the offer could go viral. Does WPC intend to take advice from the police on the management and potential implications of this event?

iii) Under what legal provision does Mr Solnick, as the Clerk and Proper Officer, and WPC believe this proposal can be undertaken? This needs to be made explicitly clear by the Clerk. There was no discussion nor advice from the Clerk under what provision or statute such a proposal could be implemented by WPC. WPC does not have, and is currently unable to obtain, a General Power of Competence. Even if WPC did hold this power it would be unlikely to encompass WPC purchasing gifts and toys using public funds and then giving them away to any child without exception, utilising a WPC appointed “Santa” and WPC installed “SCG” to so do. In any event does opening the giving of gifts to any child without exception fall foul of the “Wednesbury Unreasonable” principles?

iv) Will expenditure incurred by WPC be contrary to law? This could well be so. The expenditure incurred is likely to be objected to and challenged at audit. I urge Mr Solnick, as the Responsible Finance Officer, to carefully check the position before he and WPC incur any expenditure. I also urge him to pay by cheque any suppliers direct and to keep detailed records and receipts that specify which toys and alcohol were purchased by WPC.

v) Has the necessary proposed expenditure from the precept in WPC installing a “SCG” and purchasing toys and gifts been properly identified and assessed by WPC and the Responsible Finance Officer? This does not seem to be the case. Ms Richardson only mentioned £300 for toys and £70 for wine. What other expenditure will be incurred? There was no consideration of expenditure involved in installing and setting up a “SCG” or purchasing costumes for “Santa” and anyone else involved; or expenditure involved in obtaining CRB checks and clearances; or any other expenditure, for instance related to administration and general running costs, publicity and advertising, signage etc.

vi) Was Mr Goodman's proposition considered 'reasonably' and properly by WPC? There was no proper assessment of the relevant and material considerations by the Clerk, the parish councillors present or WPC as a whole. WPC's actions and decisions could well be “Wednesbury Unreasonable”, please also see iii) above. Additionally, Mr Hosea and Mr Sutton have children of the target age living in Walberswick and there were no declarations of interest in respect of “SCG” before they voted in approval. Moreover Ms Richardson is a teacher in a local school which under the any child without exception provision might be considered a potential beneficiary, again there was no declaration from her before she voted in favour of the motion she put forward seemingly on Mr Goodman's behalf.

vii) Can WPC hold such an event in the “HH”? This will be a public event, largely involving children. There will be health and safety considerations that need to be properly considered. In the past there have been questions of asbestos in the “HH”, that as far as I am aware have never been resolved. The “HH” has no toilet facilities at all, and none suitable for children. Are the access and exiting arrangements for the “HH” appropriate for a public event of this sort? Are your insurers happy for the “HH” to be used in such a way? If so, on what conditions? Is Mr Solnick, the Clerk, going to carry out the required risk assessment before the event, if not, who is?

viii) Have the practicalities of WPC installing a “SCG” in the “HH” etc. been adequately and properly considered by WPC? There was no consideration or discussion whatsoever of the practical steps that need to be taken by WPC to

implement the decisions taken. What is actually required to be done and who is it going to be done by and when?

ix) How does Mr Solnick, the Clerk, intend to publicise and advertise this event and invite any child who wishes to attend, on the basis that any child who does visit WPC's "SCG" will receive a free gift or toy from "Santa"? This fundamental point was not considered at the WPC meeting.

x) Have Mr Solnick, the Clerk, Ms Richardson, the Chairman, and WPC as a whole, acted in accordance with WPC Standing Orders in dealing with this matter? During the discussion and when she proposed the motion for the installation and operation of the "SCG" by WPC, Ms Richardson said that this motion was a proposal by Mr Goodman. However, there was no motion or paperwork from Mr Goodman put before WPC. Furthermore, Mr Goodman was absent from the meeting. I provide below what seems to be, subject to Mr Solnick's views, the relevant section of WPC's Standing Orders;

4. MOTIONS REQUIRING WRITTEN NOTICE

a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting.

b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.

c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 4 clear days before the meeting.

d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.

e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.

g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.

h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful

obligations or shall relate to an issue which specifically affects the Council's area or its residents.

8. Ms Richardson's motion and Mr Goodman's proposal for the "SCG" seems yet another example of a whimsical inadequately thought through WPC proposal unsupported by any proper assessment or consideration and without due process and administration. There was also no assessment of whether there is any public interest or any genuine need for WPC to take the action proposed or to incur

expenditure. Indeed in the case of WPC's "SCG", arguably WPC are not in the position to lawfully undertake the proposals or to spend public money on them.

9. Because it has now such an unjustifiable, unnecessary and unreasonable level of financial balances, WPC appears to have gone into overdrive to try to spend money primarily to reduce its high financial balances. This seems to include throwing money at things without properly considering the need for them or explaining their relevance to the local community. I am sure many in the village would consider it inappropriate for WPC to proceed in this manner and use the precept to install a "SCG" or to purchase and then give away toys and gifts to any child that visits WPC's "SCG". I am sure many people would consider that other causes would be far better recipients of any financial largesse from the precept distributed by WPC.

10. I believe there are guidelines for WPC making contributions to local charities. Not only should WPC keep these under review but it does not seem right that non-charitable contributions can or should be made by WPC on the un-assessed whim of a parish councillor. The WPC Clerk and WPC should certainly consider any proposition for its legality and appropriateness, preferably from a written submission, in open forum. This has not happened here and it should have done. If you do not do that you are inevitably going to find yourselves open to valid criticisms and unnecessarily and increasingly tied up in financial and administrative knots of your own making. In the case of "SCG" I hope that the WPC Clerk and Responsible Finance Officer and WPC, as a corporate body, will urgently reconsider what they seem to have committed themselves to and that they will withdraw the proposals before they get up a head of steam. Mr Solnick and Ms Richardson, you would be very wise to now so do.

11. I urge the WPC Clerk to take urgent advice on these matters from BDO (WPC's external auditor); Mrs Slater (the Monitoring Officer at SCDC); Suffolk Constabulary; a recognised authority on children's welfare; and, if you believe it would be helpful, SALC. You will also need to fully inform and take the advice of your insurers.

Regards,