

## **Referral of Sampford Courtenay Parish Council to the monitoring officer for payment to St Andrews Church**

Dear Mr Fairburn

Please find attached to this email a number of documents that relate to a payment of £564.47 to St Andrews Church in contravention of Section 8 of the Local Government Act 1894 and a Breach of Duty by myself as the proposer of the action.

To outline how this referral comes about, this payment having been challenged by one of the Parish Councillors was brought to the attention of the Internal Auditor who has recently completed the Audit and returned the Approved Annual Governance statement with recommendation in his management letter that I refer the issue for legal advice.

I believe that after communicating directly with the Auditor Cllr Coleman has made a referral to the Monitoring Officer himself but for clarity this is the communications undertaken between the Auditor and the Cllr

As per the recommendation by the Internal Auditor I requested legal advice from NALC who requested information from the Treasurer of St Andrews Church regarding the monies paid and were supplied with the following

The legal advice was returned today requiring me to refer the issue to the monitoring Officer

I will apologise for making the mistakes that have resulted in this referral. As these were exceptional circumstances during the COVID Period I was trying to be proactive in achieving support within the community and did take a lead for the fund raising. I clearly understand that whether or not I was formally acting in my capacity as the Chair of the Council my actions were still covered by the Code of Conduct for Councillors.

When Cllr Coleman made the objections to the payment I heeded his advice and money already paid to the church was refunded.

I do recognise now in hindsight, that in my attempt to be honest and transparent with this money raised through the community fund raising activities, having placed it into the Parish Council Bank Account this was a mistake. As this was not Parish Council income alternative auditable financial arrangements should have been made. As a result, I have proposed that our Financial Standing Orders specify that in future all funds raised from fundraising activities not directly and solely linked to Parish Council priorities cannot be deposited in the PC Bank Accounts under any circumstance.

I can only apologise for proposing the decision that the Bank Account previously used to pay monies to the Church be used to allow this payment to be made. I had wrongly assumed that as payments had previously been made to the joint account that benefited the Church, a proposal which had been initiated by Cllr Coleman and had not been challenged on either occasion by the Auditor, that this was a means to ensure that the wishes of the majority of parishioners, particularly those who had been significantly involved in actually raising the money could be achieved. In order that this error (however well meant) does not occur in the future I have proposed that the Financial Standing Orders be updated with the specific detail regarding lawful payments to Churches in respect of S137(3) of the Local Government Act 1972.

During this extraordinary time of unprecedented demands, much of the activity both Council and Community has been adapted to best meet the needs of everyone in the Parish. In all of my actions there has never been anything hidden from the public. I have been honest and totally transparent in

my actions and proposals, considering what was best for the community and supporting those who needed it most.

I fully understand that despite my best intentions, ignorance leading to the illegal payment is no excuse, I can only apologise. I have requested the immediate refund of the £564.47 back to the Parish Council Bank account.

If there is anything further that you feel you need to make the assessment on the appropriate actions then do not hesitate to contact me.

I understand the pressures that the Monitoring Team are under and that there is a clear procedure to follow with set time lines but we have a Parish Council meeting on the 1st of June at which we would need to accept the Annual Governance report and refer the accounts to the External Auditor to meet the deadline by the end of June, so advice on the position of this referral would be useful to send to the external auditors.

Yours sincerely

Michele Wilson