



Carterton Town Council

Tel: 01993 842156

Town Hall
Alvescot Road
Carterton
Oxon OX18 3JL

Ron Spurs BSC MA MBA CILCA
Town Clerk

Email: rspurs@carterton-tc.gov.uk
www.carterton.net

14 November 2018

Cllr M McBride - Chairman
Cllr M Mead - Vice-Chairman

Cllr J Bull
Cllr D V Bulley
Cllr S Coul
Cllr R Crapper
Cllr C Delaney
Cllr E Hatton
Cllr J Hayes
Cllr N Leverton
Cllr L Little
Cllr D Melvin
Cllr P Scott
Cllr S Scott-Stovold
Cllr D Wesson
Cllr C Wilson

SUMMONS TO ATTEND

You are hereby summoned to attend the Meeting of CARTERTON TOWN COUNCIL on **20 November 2018 at approximately 7.45pm**. *Please note there will be a presentation by Carterton Football Club 7.00-7.30pm, followed by the meeting of the Planning Committee at 7.30pm.*

The Press and Public are welcome to attend this meeting. Questions and statements will be taken from members of the public during the period of time which is designated for public participation in accordance with The Town Council's Standing Order 1(d).

If you are unable to attend and wish your apologies to be recorded, you must let the Town Clerk know by 5.00 pm at the latest on the day of the meeting.

The Agenda for the meeting is attached

Yours faithfully

Ron Spurs
Town Clerk

AGENDA

Apologies

- 1 To receive any Declarations of Interest in respect of items on this Agenda as required by the Town Council Code of Conduct. Members are reminded that, in accordance with Town Council's Code of Conduct, they are required to declare any disclosable pecuniary interests or other interests that have not already been declared in the Council's Register of Interests.
- 2 Minutes of the Town Council Meeting held on 16 October 2018 - for Approval
- 3 Town Mayor's Announcements
- 4 Clerk's Report - see below.
- 5 Adjournment of 15 Minutes for Members of the Public to raise matters in relation to any items on the Agenda.
- 6 Adjournment of 15 Minutes for County Councillors to raise matters
- 7 Minutes of the Planning Committee Meeting of 16 October 2018 for Noting
- 8 Minutes of the Urgency Committee Meeting held on 26 October 2018 – for Noting.
- 9 Mayor's Allowance Account and Ancillary matters – Update – See Report by Town Clerk below.
- 10 Applications for Grant: -
 - a. OXPIP – see attached.
 - b. Clean Slate – see attached.
- 11 Amenities Works for Authorisation – see attached
- 12 Financial Statement to 31 October 2018.
- 13 Details of income received during October 2018 for Noting.
- 14 Details of Debit Card Transactions in October 2018 for Noting.
- 15 Accounts for Payment for November 2018 - see attached for Approval.

Clerk's Report – 20 November 2018

1. Diary Dates

Friday 30 November	Christmas Lights Switch-On
Tuesday 4 December	Planning & Administration
Tuesday 11 December	Planning & Town Council
Monday 24 December	Town Hall closes for Christmas
Wednesday 2 January	Town Hall reopens
Tuesday 22 January	Planning & Town Council

**R Spurs
Town Clerk**

CARTERTON TOWN COUNCIL
MAYOR'S ALLOWANCE ACCOUNT AND ANCILLARY MATTERS
TOWN COUNCIL MEETING
20TH NOVEMBER 2018
REPORT OF THE TOWN CLERK

(The decisions on this matter will be resolutions)

1. PURPOSE

1.1 To receive an update regarding Carterton Town Council's resolution on 23 January 2018 to recover £4,835 from Cllr L Little (and associated matters).

2. RECOMMENDATIONS

No Recommendations.

3. BACKGROUND

3.1 At an Extraordinary Meeting of Carterton Town Council held on 23rd January 2018 a motion was passed by the Council requesting that the Mayor, Cllr L Little repays £4,835 to Carterton Town Council which had been paid out of the Mayor's Allowance Account in contravention of the Council policy relating to the Mayor's Allowance Account and that if the funds were not returned the matter would be pursued through civil litigation. The Clerk wrote to the Mayor, Cllr L Little informing her of the Council's decision immediately after the meeting and no reply has been received.

3.2 The Mayor has statutory functions and is also permitted to carry out further duties pursuant to the terms of the Carterton Town Council Civic Protocol. The protocol itself identifies that the Mayor, amongst other things, traditionally raises funds for local charities which are administered through the Mayor's Allowance Account.

3.3 The protocol further provides that – "Funds raised for the Mayor's charities cannot be used for any other purpose other than as a donation or to offset expenses arising from fundraising".

3.4 Cllr L Little was obliged to operate the account in accordance with the Protocol – either as a trustee of the account and/or as fiduciary (on the grounds that Cllr L Little was required by the Council to operate the account in accordance with the Protocol) on behalf of the Council.

3.5 The Council alleges that Cllr L Little misappropriated funds in three areas:

1. A sum of £4,000 which was paid to Ted Little Veterans Home.
2. Payments from the Mayor's Allowance Account for civic functions
3. Guests for the St Georges Day Dinner 2017

3.6 £4,000 Payment to TLVH

A cheque from the Mayor's Allowance Account signed by Cllr L Little was paid to TLVH in November 2016 for £4,000.

3.7 By October 2017 in my role as Responsible Financial Officer I was concerned that TLVH was not a legitimate organisation. Whilst it is right that there had been some initial discussions about the creation of TLVH these had not progressed. The concern was that purported charitable donations were being made to a body which seemed not to exist and was not registered with the Charity Commission. There was a concern that a fraud may have been committed.

3.8 In June 2018 a copy of a constitution for TLVH was provided via solicitors to the Council. However, the Council's concerns continued, Cllr L Little stated that the body is not registered with the Charity Commission. This is surprising in light of the stated intention to open a veteran's home. Whilst it is correct that a constitution has been produced the document is unsigned even though the date for signatures is 10th September 2017. This document was created on 10th July 2017. No explanation for this is provided. The creation of this document post-dates the donations.

3.9 Furthermore, whilst a screenshot of a bank statement has been provided from February 2018, this is inadequate to allay the Council's concerns regarding the bona fides of TLVH. It does not show the date money was deposited and Cllr L Little has refused to provide statements which have been requested.

3.10 In summary, there were and remain valid concerns surrounding Cllr L Little's decision, in breach of trust and/or a breach of fiduciary duty, to award moneys to a non-existent entity or one which was not a properly constituted charity. The concern is that these moneys were to be used by Cllr L Little herself and/or diverted for her own ends and that the documentation produced to the Council to date is an attempt to provide an ex post facto justification for her actions. An independent consultant employed by the Council in 2014 confirmed that Cllr L Little was advised that the Mayor's Allowance Account should not have a sole signatory and

should be audited in the same way as other Council accounts. This advice was not followed by Cllr L Little.

3.11 A request for the following was made to Cllr L Little through her solicitor:

(i) Cllr L Little asserted that TLVH is a trust. A copy of the Trust Deed was requested but not provided.

(ii) A copy of the TLVH constitution properly executed, together with a list of all trustees.

(iii) Evidence that payments made by Cllr L Little in November 2016 and thereafter were deposited into a bank account which was properly set up by an unregistered charity. A copy of the application made to the bank when opening the bank account and a copy of bank statements from November 2016 showing relevant deposits in respect of the funds provided to TLVH.

(iv) An explanation by a trustee (other than Cllr L Little) as to the steps taken by TLVH since inception to promote its charitable aims (which are presumed to be the opening of a veterans home), whether it was registered with HMRC to be able to claim gift aid (and if not why not), and how it manages to achieve those charitable aims with an income of less than £5,000.

(v) It appears that no fundraising by the charity apart from the moneys provided from the Mayor's Allowance Account has taken place.

(vi) The Council required an explanation as to what use it has for the money donated in light of the very small annual income which it is stated will (or has), been generated per annum which would appear to mean that it is simply not credible for the veterans home to be developed.

3.12 The response from Cllr L Little's solicitor to these requests is shown at Enclosure I. None of the information requested has been provided.

3.13 In summary, the Council is understandably concerned that the payments that have been made to TLVH are not "bona fide", that the organisation is not a bona fide charity and that the documentation provided in June 2018 is an attempt by Cllr L Little to cover up wrong doing.

3.14 Payments from Mayor's Allowance Account – Civic Functions

Four cheques were paid out from the Mayor's Allowance Account for civic functions. Payments for these events should have been made from Cllr L Little's own private bank account.

21/3/2017	100736	Witney Town Council Mayors Charity Account
	£90	
29/5/2017	100735	WODC
	£45	
30/3/2017	100737	Cherwell Mayors Charity
	£90	
11/4/2017	100738	Mayor of Abingdon Charity Fund
	£90	

3.15 Cllr L Little has stated that the rationale for these payments was that she did not have a cheque book. This is despite the fact that the Councils accept card or BACS payments. Cllr L Little stated that she repaid the account by two cheques from her personal bank account with cheque numbers 104026 and 104027 in or around 4th May 2017 which amount to £240 in total.

3.16 Cllr L Little has not provided any evidence to support this assertion despite being requested to do so. There were four cheques made out from the Mayor's Allowance Account to other Councils totalling £315.

3.17 There would therefore appear to be a short fall of £315. The Council has received no explanation why Cllr L Little has not paid this short fall and again, the Council is left with the reluctant conclusion that Cllr L Little has acted in breach of trust/breach of fiduciary duty.

3.18 **St Georges Day Dinner**

A St Georges Day dinner was held on 21st April 2017. The Auditor's report states that there was significant drop in income in 2017 to the previous year. This arose because of the 64 people who attended the dinner the income was only from 49. The guests who did not pay were given free tickets by Cllr L Little. Cllr L little had no authority to do so. Indeed, no authority was given to the Mayor or indeed anyone to invite guests on "free tickets", save that the guest of honour and his or her partner receive free tickets. The issue with the 2017 event is that a number of people received personal invitations from Cllr L Little and did not pay for the tickets. All VIP guests would need to be approved by the Council and Cllr L Little had no right to unilaterally invite guests. In relation to helpers, some helpers paid for tickets and others described as helpers were in fact Cllr L Little's family members.

In those circumstances Cllr L Little is liable to pay £520. **The cost to the**

Council in pursuing this matter is £2,196.

3.20 Claim for Civil Harassment – Cllr L Little

Cllr L Little responded by making a claim of civil harassment against the whole Council and the Clerk. Sometime later the claim was narrowed to 4 Councillors and the Clerk.

3.21 This claim appears to have “fell away” as no proceedings have been issued.

3.22 Subject Access Request – General Data Protection

Regulations - Cllr L Little then issued a Subject Access Request under the GDPR to Carterton Town Council for all documentation, emails and correspondence involving Cllr L Little over a period of just under 3 years. Council sought legal assistance to manage the request as a considerable amount of correspondence was subject to legal privilege and required professional scrutiny prior to being released. The request was amended slightly to seek information relating to 4 Councillors and the Town Clerk. The information was released within the agreed timescale.

The cost to the Council to meet and respond to its obligations in this matter is £14,090.

3.24 Summary

Key Points:

- (i) Based on legal advice received by the Council from Counsel a Civil Court is likely to prove on the balance of probabilities that Cllr L Little has misappropriated funds totalling £4,835.
- (ii) The Council has written to Cllr L Little on a number of occasions to offer mediation in this matter, all attempts at mediation have been rebuffed.
- (iii) All attempts to organise a meeting to enable Cllr L Little to explain her actions or put matters right have also been rebuffed.

3.25 It is reasonable to assume that there is clear linkage between the Council’s decision to seek recompense from Cllr L Little for misappropriation of funds, the allegation of civil harassment and the Subject Access Request under the GDP Regulations.

3.26 Legal advice to the Council from the Council’s barrister states:

“It is clear that to date the Council has taken the proper steps in order to defend itself and its Councillors in relation to the allegations of harassment. There was also a reasonable belief that there had been a breach of a legal obligation, or that a crime had been committed, so the investigations into the donations made by Cllr L Little were warranted”.

3.27 In relation to the SAR, the Council had no option but to respond with the benefit of professional legal advice.

3.28 A senior Councillor commented at a Council meeting in January:
Cllr Crapper stated:

“I firmly believed that the not inconsiderable sums of money should be returned to their rightful place alongside any other money to be used for charitable purposes. As Cllr Miss Coul said, £350 was used for non-charitable uses that should have been paid from her allowance, and £4,000 was paid from the account that in no way had benefitted the people of Carterton and showed no possibility so far of doing so, for the hypothetical Ted Little Veterans Home, and finally the £520 for tickets at last year’s St George’s Day Dinner with money was not hers but had been donated in good faith from well-meaning donors who believed it would be used for deserving charities.

I am sure that we had all at some time paid for something from the wrong pocket or account and, at the earliest opportunity had rectified our mistakes – a simple human error.

We were not talking about human error here. The tangled web that this mess had become had a phrase to describe it – misappropriation of funds. This in itself was not a crime if the funds in question were replaced as quickly as possible and no lasting harm was caused.

I believe we are talking about something more devious and serious here. He had no hesitation in seconding the Motion that Cllr Mrs Little should repay a total of £4,835 so that the money could be rightly used for proper charitable purposes”. He urged Councillors to vote for this so that we could close this open sore within the Council and halt the adverse effect that it was having on the town.

3.29 In accordance with Council’s resolution of the 23rd January the Council will instigate legal proceedings.

4. ALTERNATIVES/OPTIONS

5. FINANCIAL IMPLICATIONS

5.1 The cost incurred by the Council in relation to recovering misappropriated funds from Cllr L Little amount to £2,196.

5.2 The cost incurred by the Council in responding to the SAR from Cllr L Little is £14,090.

6. RISKS

6.1 The Council has a duty to pursue alleged malfeasance in a public office by members of the Council. The reputation of the Council will be damaged if it allows funds to be misappropriated without taking appropriate legal action to attempt to recover them.

6.2 The cost to local charities which have not been granted the sum of £4,835 is considerable. However, the Mayor, Cllr M McBride has agreed to pay £835 from his Mayor's Allowance to local charities to make up part of this shortfall in the current mayoral year. Future Mayors may consider that the £4,000 given to TLVH could be repaid to local charities from their Mayor's Allowance (over four years), this is a decision for each new Mayor.

7. REASONS

The Council has a duty to operate in the most efficient and cost effective manner possible.

Background Papers:

Enclosure 1:

Letter from Cllr L Little's solicitor dated 16 October 2018

Enclosure 2

Email response from Cllr L Little re request to examine TLVH accounts

Enclosure 1

Our ref: L00642-0001/024
Your ref: HNAPI/CAR2300/1

DATE 16 October 2018

PLEASE CONTACT OUR READING OFFICE
IF YOU HAVE ANY QUERIES

Ms Hilary Napolitan
Knights Plc
Midland House
West Way
Botley, Oxford
OX2 0PH



55-57 London Street Reading Berkshire RG1 4PS
DX 4055 READING 1
Tel: 0118 957 5337 Fax: 0118 939 3073
Email: enquiries@hewetts.co.uk
Web: www.hewetts.co.uk

Also at:

58-60 Thames Street Windsor Berkshire SL4 1TX
DX 4055 READING 1
Tel: 01753 211917 Fax: 0118 939 3073
Email: windsor.enquiries@hewetts.co.uk

Dear Sirs

Our Client: Mrs Linda Little
Your Client: Carterton Town Council

We write further to your letter dated 20 September.

We are disappointed to note that after over a year of discourse with your client (including, as you will no doubt be aware, your client initiating investigations, audits and legal action through various parties), it is still pursuing our client for the sums you now quote.

Your client has received a whole host of documentation, correspondence, statements and information from our client, who, you will appreciate is completely disinterested in having yet another exchange on the same issues. Your client has all the information to suffice any and all queries raised and allegations made (which, for the avoidance of doubt, our client denies).

In the circumstances, and on the premise that you already have our client's stance and documentation in separate draft particulars of claim and appendices, we do not intend to engage in further, protracted discourse. We also expect your client to have provided you with any previous files from its previous Solicitors as well as documentation handed to it by our client personally throughout the previous year.

It is agreed that it is not in the interests of either party to spend any further time on this matter. Alas, it is in fact your client who is, one year later, tirelessly resurrecting the same issues.

Suffice to say, your client's claims and assertions about our client's wrongdoing are denied and will be strongly defended should it decide to issue a claim.

Yours faithfully

A stylized signature of the name 'Hewetts' in a cursive font.

HEWETTS SOLICITORS

Direct Email: r.magara@hewetts.co.uk

Hewetts Solicitors is a trading name of Hewetts Law Ltd (Company Number 08784004)

Registered Office Address: 55-57 London Street, Reading, Berkshire, RG1 4PS

List of Directors is available upon request.

His company is authorised and regulated by the Solicitors Regulation Authority (No. 000004)

number of our lawyers are members of:

- Resolution
- Employment Lawyers Association
- Solicitors' Association of Higher Court Advocates

We do not accept service of proceedings by e-mail.

We will never send you an email stating that our bank details have changed or that you have been provided with our
if bank details. We will not accept responsibility if you transfer any money into an incorrect account.



SAHCA

resolution



Beacon Town

Proud innovator for the Countryside Agency's Market Towns Initiative

Enclosure 2

E mail from Cllr L Little addressed to the Clerk and Councillors dated 8th June 2018

Mr Spurs

I was greatly concerned to receive an email of this nature!

The subject matter is in the hands of my Solicitor and has been since February 2018 when you made without evidence these accusations, as such it is now a confidential matter within the Legal process any correspondence has been and will continue to be via this Chanel to my Solicitor.

Cllr Little

Sent from my iPad

On 7 Jun 2018, at 13:47, Ron Spurs <rspurs@carterton-tc.gov.uk> wrote:

Dear Cllr Little,

I am writing to you regarding the Accounts and Trustees Reports for the above named organisation.

Please supply to me the Accounts and Trustees Reports for the Ted Little Veterans Home for the years 2015 to 2018 inclusive.

Carterton Town Council, via the Mayor's Allowance Account, made a substantial donation to this body.

Please supply the information requested within 10 working days.

Thank you

Ron Spurs
Town Clerk

