Porlock Parish Council

Questions/Issues raised by Lesley Thornton Member of Public

Public Participation 8th October

Email to Cllr. J Addington 28th Oct 2025

Issues raised

Concerns raised about how the contract for £2000 for the refurb of the OSC Jubilee/Playground Garden & meeting optics.

1. The decision was not taken in accordance with Standing Orders and therefore should not stand.
2. The Council had already resolved to cap the budget at £1000 in June, so a contract for £2000 could not be awarded.
3. The work required (a tidy-up and cutting back of a tree) had already been agreed so this should be the same as the schedule of works quoted for.
4. The agenda could not be changed in the way it was at the meeting.
5. Minor agenda change is requested (meeting SOs) this should always be done in open session, and never after the Council has gone into closed session.
6. The contract process does not appear to be fair and unbiased and were in breech of council's Financial Regulations.

Clerk's observations

1. The decision was lawful. To deal with procedural concerns (as listed) council will be asked to resolve to set aside SO7 to permit a reconsideration of min number C-2025-189, 190 & 191
2. While a budget of £1,000 was resolved this was not capped and therefore does not resist council from resolving a higher spend where necessary. Quotes were obtained for council to consider as agreed.
3. The works quoted for were as discussed with each contractor. It became clear during the three site visits that council view of a 'tidy-up' involved much more work given the types of plants and work involved than what was originally discussed.
4. The amendment to the motion 'to consider the contractor quotes received' (which were omitted by the clerk when issuing the agenda) should have been deferred to another meeting and not included.
5. Amendments can be made to motion during debate see SO1 however not one that substantively alters the motion and or by adding a new motion.
6. The process carried out was transparent and fair, at all times Cllr. D Heath discussed any issues/concerns with the Clerk and followed the clerk's advice. There was no breech of Council's Financial regulation.

Summary

Following this review council will be asked to consider the following recommendations:

- Set aside SO7 to reconsider the minute items in question.
- Code of Conduct training for all councillors who have not taken it within the current civic year. **(Action: All)**
- Review council's processes and procedures for obtaining quotes. **(Action: Clerk)**
- Read council's standing orders, and code of conduct and ensure better understanding and application. **(Action: All)**
- Refresher Chairperson training for those members who chair meetings. **(Action: Chairs or Vice Chairs)**

Points Raised	Response
Ordinary Council meeting June 11th Minute C-2025-**092** states that Council RESOLVED to keep OSC garden (playground) design as is and to conduct a general tidy up and cut the tree back as a one-off activity. Ongoing maintenance will then be considered as a future step. Budget of £1,000 taken from Earmarked Reserve. Minute C-2025-**093** states Cllrs. D Heath (WG Lead) and S McCanlis will work together to identify **a gardener** to quote for this work for consideration by council.	C-2025-135 Cllr Heath declared one of the contractors who had provide a quote for works in item 12 is a family member. This should have been a Non registerable declared interest with a written request for dispensation.
Ordinary Council Meeting Sept 10th Minute C-2025-**189** states that (when considering which approach to pursue, volunteers or contractor) Council RESOLVED to pursue the use of a contractor for the reinstatement of the garden Following immediately on from that resolution, under minute C-2025-**190**, the Meeting Agenda was then changed on request from Cllr. Heath, from 'How the garden should be maintained once the initial work has taken place i) Volunteers, contractor or employed labour ' (ref agenda item 10b2) to 'the contractor quotes received' Clearly, contractor quotes had been pursued before the meeting (and before the resolution in the previous agenda item), suggesting predetermination of that item. Minute C-2025-**190** then states that Council RESOLVED to award the contract to Pheonix Landscaping with the quote of £2000.00 excluding VAT, budget from the Porlock Projects EMR 337 I have a number of observations and questions about this: • The June minutes clearly set the budget at £1000 for this work. • How many quotes were requested? • Why was a company in Chard asked to quote? (a quick Google search returns many local landscape companies/gardeners). Did Cllr. Heath ask his son to quote?	The request to change the motion was requested before the item was heard as minute C-2025-**188** and as stated to include 'to consider the contractor quotes received'. Contractor quotes were obtained before the meeting as per minute C-2025-092 & C-2025-093 this was done to reduce further delay should council resolve to pursue the work via a contractor and not predetermination. While a budget of £1,000 was resolved this was not capped and therefore does not restrict council from resolving a higher spend where necessary. Three quotes were obtained Cllr. D Heath's son came to visit and as a professional horticulturist Cllr. Heath asked his son if he could give any advice on how the refresh of the gardens should be approached and what council should be looking for if the work was to be contracted, as not to ruin what was already there.

	Yes, on the advice of the clerk – As a result of the site visit and conversation, Cllr. Heath's son asked if he could provide a quote for the work. As multiple attempts to find local firms had failed and to ensure adherence to council's financial regulations (5.9), the clerk advised Cllr. Heath that his son could provide a quote.
• Whilst Cllr. Heath declared an interest as one of the contractors who has provided a quote for works is a family member, the minutes do not show whether he was involved in the closed session discussions and/or vote (with only two other council members still in attendance at the meeting for this item). The contract was awarded to Cllr. Heath's son (Pheonix Landscapes based in Chard).	Before the council went into closed session and the item was heard, Cllr. S McCanlis gave apologies and left the meeting leaving three Cllrs. present. To ensure the meeting remained quorate Cllr. Heath was asked to remain in the meeting to brief council about the project and answer any questions councillors had regarding the quotes. Cllr, Heath did not take part in the vote. Council determined based on price, knowledge and experience to award the contract to Pheonix Landscapes.
• Cllr. Heath conducted the site visits with the contractors asked to quote for the work. This would seem a conflict of interests.	As above Cllr. Heath did carry out site visits but at the time his son visited site to provide advice on plants and approach, Pheonix Landscapes had not been asked or had asked to quote for the works. The visit to the site was only showing personal interest and to share knowledge.
• What work exactly is to be undertaken for £2000, as previously it was resolved to 'keep the design as is and to conduct a general tidy up and cut the tree back as a one-off activity.' £2000 seems a lot to do the work previously minuted.	Works that had been quoted for were as discussed with each contractor. The focus of the discussions was 'to keep the design as is and to conduct a general tidy up and cut the tree back as a one-off activity'. This was based on councils limited knowledge and understanding of the works hence an initial budget of £1,000. Each contractor provided their own written approach – the 'works schedules' including quotes were provide by the three contractors and consider by council.
• Why did the council not consider the offer of help from volunteers which I had contacted the Clerk about in August?	Council did consider this in item 12ai and resolved as minute C-2025-**189** to pursue the use of a contractor for the reinstatement of the garden. In addition, as minute in C-2025-**191** council resolved ongoing maintenance of the garden would be undertaken as part of the hybrid Gardner role that would lead volunteering resource.
• Previously, I have discussed with the council the idea of redesigning the area at the top of the steps from the street down to the OSC Jubilee/playground garden to accommodate a covered bus shelter (where the notice boards and flagpole is. A covered bus shelter is something that was highlighted by the public as needed when the PHSSG undertook their public consultation in 2021. Would the Council revisit this idea if presented to them formally?	At the Ordinary meeting of the council held on the 26th March 2025 item 26, council did consider as minted C-2024-**493 m**aking a request from Somerset Council that bus shelters are provided at proposed locations of Doverhay Car Park (either side of the road) and outside the Old School Centre as part of Somerset Council's Bus Service Improvement Plan Council discussed the plans and determined that space was limited in both locations and that bus shelters would

• LT reminded the Chair of her idea raised in 2023 to utilise the off-pavement area where the notice boards are.	not be aesthetically suitable for the village. There was no proposer Council welcomed this being put forward.
Ordinary Council meeting 8th October 2025 **Agenda Item 10** How would a pond be made safe in a publicly accessible area? Is Cllr Heath or the Council aware that the Orchard area was once the location of a large portacabin-type building providing two classrooms and a toilet? There might be infrastructure below the surface pertaining to this.	Scoping of options are still being explored. Council is aware of what the grounds used to be used for. Plans of underground infrastructure has been obtained.
Agenda Item 15 (budget and RFO report) The year headings are confusing, I think. Should the YTD Actual be for 25/26 which would make last year 24/25?	Error on the WIP draft report
Could the council confirm that the Precept for 24/25 was £93,940, and for 25/26 was £117,031 and the proposed precept for 26/27 is £135,519? (roughly 16% increase on last year. Wages up 11%).	Budget setting is currently underway; council are reviewing spend against all areas and currently the potential (not proposed) increase on the precept sits at £135,519 a potential increase of 16% which includes an 11% increase on wages based on contractual and statutory obligations. Precept for 24/25 £93,940 - increase of 15% Precept for 25/26 £117,031 - increase 25%
I also noticed that last year's approved budget included OSC facilities hire income of £5000. How was this figure arrived at?	Income scenarios were created as part of OSC project as published on the council website (10th July 2024). Papers were received by all Cllrs. in advance of the meeting to which you sent apologies. During the budget preparation process for 25/26 potential income was reviewed and reduced due to project timeframes.
Also, £4k for FIT income for 25/26 budgeted for. Where is this income included in the proposed budget for 26/27 (OSC income is only budgeted as total £5K for 26/27)?	As per the draft budget papers the FIT income is included - 207 Old School Centre 1085 Feed in Tariffs £4,000.
Is the CiLCA training being undertaken in Clerk's own time?	⅔ undertaken in work time as agreed by Council and as set out in the contract of employment Section 8.
Agenda Item 18 (Portfolio Report) **Woodcott Cottage Sewer** Further reports of the overflowing sewer have been received, which has been reported to Environmental Health and Exmoor National Park Authority. EA have advised they are in contact with the two properties owners.	
Who is 'EA' ?	Environmental Agency have also been engaged.

Old School Centre (Right hand side) – Stone wall needs reviewing. RHS is ambiguous. East or West wall would be clearer. **Pellet Boiler** – Repairs to the pellet boiler have been completed, during the works a fault was discovered with the lambada probe which has been replaced. "Lambda probe not 'lambada' **VH Car Park Lease** Why do PPC have no plans to pursue PME regarding renewal of the lease? When was this agreed at a Full Council meeting? Could PME change any conditions of use if the lease has lapsed. It may be prudent to get professional legal advice and Council to then take an informed decision about whether to pursue renewal of the lease or not as an agenda item at a public meeting.	Agreed. As written in contractor report [erroneously] and copied. Multiple requests have been made of PME to review the lease over the past 18 months. The last update from PME was that this would be reviewed in July. A request for an update was made in July following the meeting however no details have been shared. PME are aware and have committed to discussing options once they have concluded their review. The Chair advised that a lease is still binding after it has lapsed. The lease was renewed Twenty-year term from 1980. It has not, an update is still pending from PME. (Council and member of public): We should leave it alone or the terms, rent, etc. might be changed, increased, etc. PME know it's on the PPC agenda and they have committed to review their position.