

Public Questions asked by Mr John Zarczynski and read out to the Council at the meeting by the Town Clerk

The Council's responses to the questions are shown in red, however the Council has not responded to the statements

From: John Zarczynski
Sent: Wednesday, December 20, 2023 2:14 PM
To: Stephen Hill <Clerk@honiton.gov.uk>; Philip Carrigan;
Cc: Heloise Marlow <DeputyClerk@honiton.gov.uk>; Jill McNally; Helen Hurford <HelenHurford@honiton.gov.uk>; Tony McCollum <TonyMcCollum@honiton.gov.uk>; Town Clerk's Assistant <TownCouncil@honiton.gov.uk>
Subject: RE: Public Question - Town Council Meeting - December 11th.

Hello x John x (Stephen)

Thanks for getting back to me so promptly, the questions were originally submitted by former Councillor Phil Carrigan.

I will phone PC to get his views on your proposal, if you recall you were going to seek Personal advice regarding full Council acting as shadow Directors, unfortunately you never came back as to what advice you received?

PC asked initial questions on 21.2.23 which were reported to FC 22.2.23 and response given to PC 28.2.23; these are public on website:
https://www.honiton.gov.uk/_UserFiles/Files/_Other/156355-Questions_asked_by_Phil_Carrigan_and_responses_made_by_Honiton_Town_Council.pdf

PC asked further questions on 28.2.23, which were reported to FC 13.3.23 and response given to PC 28.3.23: these are public on website:
https://www.honiton.gov.uk/_UserFiles/Files/_Other/156356-Questions_asked_by_Mr_Phil_Carrigan_and_responses_made_by_Honiton_Town_Council.pdf

If PC is in agreement I will be happy to attend full council meeting or alternatively have my correspondence read out at next full council meeting at agenda item public questions

However will this new Council bother listing to anything i have to say ?

This will be a decision that Full Council will make.

Based on their previous actions when i was Chairman of the former Council.

To be honest I am extremely disappointed/ concerned about the lack of transparency what I consider abuse of taxpayers money this new Council has clearly demonstrated since the resignation of former Councillors.

Taking into consideration in over 2 years from what is see this Council has delivered nothing for the benefit of Honiton/value for taxpayers money apart from giving away thousands of pounds subsidising HCC a private limited company operating a commercial business.

Regards

John Zarczynski

From: John Zarczynski

Sent: Wednesday, December 20, 2023 11:18 AM

To: Philip Carrigan; Stephen Hill <Clerk@honiton.gov.uk>

Cc: Heloise Marlow <DeputyClerk@honiton.gov.uk>; Jill McNally; Helen Hurford <HelenHurford@honiton.gov.uk>; Tony McCollum <TonyMcCollum@honiton.gov.uk>; Town Clerk's Assistant <TownCouncil@honiton.gov.uk>

Subject: Re: Public Question - Town Council Meeting - December 11th.

Dear Stephen

Thank you for copying me into your somewhat dismissive reply to former Councillor Philip Carrigan's questions submitted to full HTC Council meeting dated 11th December 2023 agenda item public questions

I note with disappointment despite previous requests you as HTC Town Clerk & RFO have not provided former Councillor Carrigan with an acceptable answer to address his concerns regarding full Council by resolving to underwrite the running costs of HCC Ltd Councillors/ full Council is acting as shadow Directors

Agenda item 15 Conflict of interest, having read both minutes of HTC Meetings dated 9th October and 23rd October 2023 the minutes of both meetings do not provide an answer/explanation to myself or former Councillor Carrigan regarding his concerns.

I note in the minutes you as HTC Town Clerk & RFO advising Councillors who feel they may have a conflict of interest to seek Personal professional Advice.

I am of the opinion your advice leaves Councillors exposed to risk being personally held libel and not covered by HTC insurers in the event a claim should be made against the Council for taxpayers money being used to subsidise a private ltd company namely HCC

From my understanding as former Councillor and Mayor obtaining Legal/Professional advice is the responsibility of Officers of the Council with Councillors always acting on the officers' advice to protect themselves from any personal liability by voting as a corporate body thus covered by HTC Insures

I appreciate HR/Employment and Contractual matters are traditionally debated /resolved by the full Council in Part B. However as a Honiton Tax Payer I do not consider the Council using taxpayers' money to underwrite the running costs/losses of HCC a private limited company leasing a Public Building/Asset namely the Beehive for £1 per year as a contractual matter the public /taxpayers have a right to know how their hard earned money is being spent/wasted by the Council

I also note from the HTC Internal Auditors Report the underwriting costs resolved by the full Council of HCC have been recorded in HTC Financial Accounts under Building Maintenance.

It appears this Council has no respect for openness and transparency regarding the spending of Taxpayer's money. I also note from the council Budget Reports for 2023/24 and 2024/25

The Council having already resolved to increase the precept by 47% the council is now proposing a further increase in the precept of 31% Why?

[The Council decided its budget setting process which includes each Committee recommending budget 24/25 to F&P Committee and ultimately Full Council 8.1.24 must decide the budget 24/25. These](#)

recommendations are public and describe the proposed budget 24/25 which has been subject to public consultation.

Since the resignation of former Councillors this new Council has delivered (nothing) apart from underwriting the Running costs of HCC and I note the council is now proposing to increase its Budget allocation for HCC from £40K to £ 50K, the Underwriting of HCC should not be recorded as Building costs or a Grant to HCC

Councillors are acting as shadow Directors by Underwriting the running cost/ losses of HCC Ltd. Therefore can you please as HTC Town Clerk & RFO confirm what Legal/professional advice have you/ HTC received regarding Faull Council acting as shadow Directors.

The response is already available on the Council's website March 23, in response to questions February 23:

<image001.png>

[156356-](#)

[Questions asked by Mr Phil Carrigan and responses made by Honiton Town Council](#)

PDF Document · 126 KB

As a Honiton Taxpayer, I and interested members of the public have the right to know if the Council is acting unlawfully by Underwriting the running costs/losses of HCC a Private Limited company with Charitable status who is running a commercial business

Regards

John Zarczynski

Former Councillor and Honiton Town Mayor

Public Question asked by Mr John Taylor, Mr Phil Carrigan and Mrs Jill McNally and read out to the Council at the meeting by the Town Clerk

The Council's response is shown in red

On 6 Jan 2024, at 13:07, Philip Carrigan wrote:

We refer to your item number 11, Correspondence, (to all Councillors), and request that the following is read

out at Item 6 Public Question Time of HTC Monday January 8 2024 as we are unable to attend:

We ask all Councillors - Are they aware of some background/legislation relevant to assertions made in Mr Perkins' letter of 3 January 2024?

Yes, Town Councillors are aware.

1. Re Mr Perkins' fifth paragraph – At no time did the borrowing, to enable the building, state that it was for “Community Art Centre”. Actually borrowing, under the then Public Works Loan Board (PWLB) advice, was not allowed for an arts centre, but was allowed for a community centre. HTC followed the law precisely, and also at that time assiduously avoided creating a charity because of conflict with the 2011 legislation (activated in 2012). The last sentence of Mr Perkins' fifth para where he states “no Community Art Centre can survive” without some form of local taxpayer support is also in conflict with the 2011 legislation which described novel powers given to appropriately qualified parish councils. Following the 2011 elections HTC qualified and claimed such powers, thereby housing Honiton Town Council offices and a community centre.

2. Re Mr Perkins' seventh paragraph – Mr Perkins is wrong. HTC did not commission HCC as a charity to occupy the building. In accordance with 2011 legislation HTC, under the supervision of EDDC, created HCC as a trading company with intent to cover costs or make a profit as required by the 2011 legislation. After the May 2015 election HTC by a majority vote accepted that the HCC Board could apply for charity status notwithstanding that this was in conflict with the 2011 legislation. Mr Perkins' suggestion that East Devon residents should have a say in HTC assets obtained as a result of the 2011 legislation, is not supported by that legislation. The legislation does not allow for granting powers to non-residents of Honiton simply because a “charity” puts it as an objective.

3. Re Mr Perkins' eighth paragraph – Contrary to Mr Perkins' opening assertion the Town Council has in the past and within its powers supported local societies using a highly transparent grants system This is contrary to current HTC discussions, whereby Beehive grants are discussed in Part B, where the public are excluded. Mr Perkins' suggestion that HTC council taxpayers should contribute to subsidising a cultural plan for East Devon, thereby subsidising a body that has the numerous extra responsibilities of a higher council, seems to be in conflict with his first two paragraphs, in particular taxing lower income HTC council taxpayers to reduce the entertainment costs of higher income EDDC residents. [85% of Beehive customers are not Honiton council taxpayers who via the HTC precept pay The Beehive running costs and mortgage (last year over £100,000 per annum)]

John Taylor, Jill McNally, Phil Carrigan