

Hi Mike

Thanks. I have attached two key documents that are useful background. With these a Local Council as a Local Authority has little choice I think than to defend their end and my experience of these is that Local Councils are often seen as ripe for "trying it on" or even worse intimidation. Therefore, standing up is the general approach!

My feeling is that you have responded professionally and forcefully which is quite appropriate. I think your letter sets out the issues and your perception and responsibilities well and I can see no issue as such. The test around this is whether you have acted reasonably and it seems to me you are being transparent, fair, coherent (operating within the legislation) and consistent.

I think you should monitor the situation and keep good records of your actions to build up any evidence and a strong documentary record. This exchange of letters might end at this stage (i.e. they may have run out of steam and realise you are not going to be intimidated); but if they come back or legal papers are served then 1) if you believe that you are acting in defence (i.e. they are the complainant or are being aggressive) then you should advise your existing Parish Council insurers as you will probably have legal cover built into your insurance policy and this means that they will probably instruct legal counsel for you and it will come out of that policy. However, if you do not have the cover or they say no....OR you are deemed to be taking offensive action (or in addition to their action i.e. you are launching a parallel legal action) then it is likely you will need to fund this yourself and so this will be down the s.111 1972 LGA line for professional advice or a minor incidental expenditure....if it is a substantial action or you are acting for the wider community: s.222 1972 LGA is relevant. [Raising funds/donations /crowd funding can come in under your s.139 powers 1972 LGA]. This may well be from (or in part) from your contingency funds and its worth discussing the implications here with your *Independent Internal Auditor*.

You may well have a local solicitor or you can use the *Law Society* [www](http://www) but although we cannot recommend of course we do have 2 solicitors known to us who can help as they have a good background here and can be employed under the powers above.

Ian Davison [Ian.Davison@surreyhillssolicitors.co.uk](mailto:Ian.Davison@surreyhillssolicitors.co.uk)  
Roger Taylor [Roger.Taylor@wellerslawgroup.com](mailto:Roger.Taylor@wellerslawgroup.com)  
Roger Taylor [r.taylor@hedleys-solicitors.co.uk](mailto:r.taylor@hedleys-solicitors.co.uk)

Obviously, the advice as above regardless of whether you are acting defensively or taking direct action is that you ensure you do have good legal input. However let's see what effect your excellent letter has and where this moves on to.

Needless to say, members advised not to speculate and its important that this issue is only covered in the closed session (documents and discussions on pink paper and hived off) but any decisions suitably non revealing of details are recorded (particularly if expenditure is involved) as usual.

Hope it resolves and let's keep in touch on this. In most cases its in no one interest if it does go to law...(costs, resources, distraction and reputational damage) etc... but as I say, as a Local Authority you have to defend your end.

Kindest

■