
RESPONSE TO AN UNDATED MEMORANDUM CIRCULATED BY ROBERT
RUSACK ESQ. AND CONCERNING SWEFFLING PARISH COUNCIL
PREPARED BY M J SMITHSON CLERK TO THE COUNCIL

BACKGROUND

Mr Robert Rusack, a resident of the village of Sweffling at or about the end of July 2021 published and distributed to persons unknown, an undated pamphlet or memorandum concerning alleged shortcomings in relation to the operation of the Sweffling Parish Council (**Council**), the stated object of which was to encourage residents to call for an election for the purpose of selecting a councillor to replace Councillor Martin Wyard who resigned on 12 July 2021. Public notice was prepared in conformity with statutory requirements and duly posted both on the village notice board and on the village website on or about 16 July 2021.

Please see the "Noticeboard" section of the website www.sweffling.com for a copy of the actual notice. The statutory period for the display of the notice is 14 days, expiring 05 August 2021.

The alternative procedure to an election, as was pursued by the Council in March/April 2021, is for the Council to co-opt a new member by inviting applications from persons wishing to become a councillor and for the Council itself to co-opt the most suitable candidate, in the event of there being more than one candidate. The cost of holding an election would run into several hundred pounds and the cost would ultimately be borne by the ratepayers of the village. The cost of a co-option excise is probably in the order of less than £50.00 made up of Parish Clerk time charged to the Council at £10.00 per hour.

It is notable that on 04 May 2023, elections for all seats on the Parish Councillors will take place. Any new councillor whether elected or co-opted will need, in common with all existing councillors, to be re-elected at that time.

Mr Rusack's Specific Assertions:

In his pamphlet various assertions are made as to which as Parish Clerk I take issue, as set out below, on the grounds of inaccuracy.

Assertion 1

Quote:

...."Website This is managed provided by the husband of one of the councillors. Despite the council agreeing to seek an alternative website provider in January 2020 we still have parish council details on this site"

My response:

I am at a loss to fully understand what Mr Rusack is attempting to say in this paragraph quoted above verbatim from his pamphlet.

In 2016 Mr Kinsey, a resident of the village, arranged a transfer of the ownership of the domain name "sweffling.com" to the Council from a former resident who had no further use for it and between then and February 2021 he paid the Council's monthly web hosting fees out of his own pocket, also providing some management resources also entirely at his own expense. As a gesture in March 2021 Mr Kinsey agreed to accept an approved payment of £356.73 representing an approximate 50% discount on

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payments made by him. These contributions were recognised by the Council but inexplicably criticised by Mr Rusack.

It is acknowledged that the village website until mid-July 2021 had for some time been less than satisfactory in its operation. During much of this. Reliance for posting was placed on another website operating within the village i.e. Sweffling.life

As Mr Rusack has been previously made well aware both at meetings of the Council and through its minutes of meetings published on the website, the .com website is owned by Sweffling Parish Council and has not been managed by anyone other than me as clerk since about March/April this year. I have been the point of contact and paid the monthly hosting fee and recovered it as an expense since March 2021. Furthermore, having made enquiries with the original website host IONOS I have had it confirmed that the website has been in the ownership of the Council outright since October 2016.

Even though the website, with the help of David Smith, was radically updated in mid-July this year, Mr Rusack appears to be referring to the website in its earlier guise.

Attempts were made by me between April and June 2021 to retrieve something of the existing website, but these attempts were not successful and alternative options were explored and examined from about February 2021 onwards until at the July Council meeting, at which point it was unanimously resolved by the Council to adopt the Wix based website as created without charge by David Smith of Bruisyard who's outstanding contribution is acknowledged.

I totally fail to understand why Mr Rusack queries why the parish council should not have its details on its own website, by stating....” ***we still have parish council details on this site***”

The council's position has always been that it should as a statutory body have full control of the website.

Any individual publishing information in a document intended to be influential, as part of a democratic process, has in my view an absolute duty to check facts prior to publication. Patently Mr Rusack has not done this otherwise he would have seen the significant work undertaken and advances by the Council in producing a very modern and up to date website which more than satisfies the Council's statutory obligations and maintains links with the community via its “Noticeboard” function and continued publication of “The Bridge” magazine.

Assertion 2

Quote:

The documents are only now starting to be filed in an accessible manner but are in different formats and incomplete. For example the budget for 20/21, which should have been published in November 2020 has yet to be produced.

My response:

Tel: 01728 663730 or 07753 825938
Email: Sweffling.clerk@outlook.com

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I accept that never having managed a website prior to my appointment as Parish Clerk in January this year, some initial errors were made by me. On these occasions Mr Rusack contacted me immediately by email to complain and I immediately rectified the errors, sending an emailed message to him confirming the necessary steps had been rapidly taken converted to PDF.

In any event the publication of the new website has since mid-July overcomes these perceived problems entirely and given that the new website was up and running some 2 weeks prior to Mr Rusack's undated document criticising the website (published as far as I can tell on or about 31st July). Accordingly, the website operation complaint made approximately 2 weeks after the new website came into operation is historic and currently plainly wrong at the time of the published criticism and in the context of ownership.

As to the publication of the **annual budget** this document is appended to the published Council minutes of 28 January 2021, so again the assertion is incorrect as is evident from the website.

Assertion 3

Quote:

...."You may know that the other activities in the village such as the Tennis Court, Bowles Club and Village Hut decided some time ago to use the Swefflinglife Website. This was set up because the domain name Sweffling was not controlled by the village. but by Mr Kinsey. "

My response:

This assertion is entirely inaccurate and inappropriate. To begin with the sweffling.com council website acquired in 2016 has since then never been owned by anyone other than by the Council. To the extent that either Mr Kinsey or I have edited the site such steps has been undertaken exclusively at the Council's request and under the council's direction.

I call upon Mr Rusack to provide evidence to contradict my statement of fact.

The establishment of any website incorporating "Sweffling" is not something which the Council has control of. It does have absolute control over the domain name "sweffling.com" which as stated above has been wholly within the Council's ownership since October 2016. Action by the Council would of course be appropriate if a website were to be operated in a manner which suggested it was the official site of the Council, but this has never occurred

There is not now nor has there ever been any objection to links being in existence between the **sweffling.life** website and the Council's **sweffling.com** website. In fact, in recent discussions with the owner of sweffling.life this mutuality was discussed as being beneficial both ways.

What is important and inviolable is the ability of the Council to control absolutely what does and what does not appear on its website. Accordingly, if the advice of Mr Rusack had been followed by agreeing to relinquish control to a third-party control would thereby be placed in the hands of a third party. The unacceptability of such a situation was explained to Mr Rusack in Council meetings on more than one occasion. Such a situation would not be appropriate nor acceptable to a statutory body such as the

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Council. To leave control in the hands of a third party no matter how well intentioned or how much propriety might be exercised just cannot be allowed to happen.

For the avoidance of doubt the Council it should be said, wishes to engage as fully as possible and within the context of its function, with the sweffling.life site and its owner. No criticism is made against the owner and operator of the Sweffling.life website. On the contrary the site has been more than helpful in posting notices and other documents without charge.

Assertion 4

Quote...

.... "The Parish council have refused to provide a link to this site from the Sweffling.com site. This is typical of the council's approach to co-operation of village activities."

My response:

I say, no such refusal has ever occurred.

As mentioned above, the current website provides opportunities for village related matters to be noted on its website and the publishers of the bridge magazine are welcome to continue to provide an electronic version for posting.

In short Assertion 4 is a of a bad point made by Mr Rusack.

Assertion 5

Quote:

.... "In February I have also asked the council to investigate having roads through our village designated Quiet Lanes These have a speed limit of 20mph and give priority to cyclists and pedestrians. There has not been any progress on this."

My response:

I cannot trace any inquiry or request from Mr Rusack in relation to **Quiet Lanes** before Friday, 9 April 2021 at 14:05 when an email was received by me from him requesting the inclusion of this topic on the agenda for the April meeting at which point the agenda for the meeting had already been published.

On 12 April 2021 I replied to Mr Rusack as extracted below. Namely.

..... "One of the councillors asked me a couple of weeks ago to include an item on the gender relation to the "Quiet Lanes Project" which is certainly something the council would like to explore further. Unfortunately owing to the congested number of items already appearing in this month's agenda, there will be no time to discuss it but once again if you wish to make inquiries and provide some guidance at

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May's meeting, I would be happy to include your report , which I would prefer to have in writing, on the agenda for that month."....

No report as requested was ever received by me.

The Quiet Lanes point was raised again by Mr Rusack, but this time verbally, together with several other issues, at the Council meeting of 8 June 2021. The Council's Chair addressed the inquiry as per the extract minute below:

EXTRACT MINUTES 08 JUNE 2021

....."ITEM 5: GREEN LANES

The Chair pointed out that BR had presumably intended to refer to "Quiet Lanes" rather than 'Green Lanes' an entirely different category of passage. This error was conceded by BR. The Chair also mentioned that Quiet Lanes would in any event only be appropriate where narrow single track roads made passage difficult, for example parts of Holdens Lane or possibly Mill Lane. BR complained that the issue had been discussed some time ago, however the Chair disagreed that anything formal have been put to the Council. However, the Council might well look at designation at some stage in the future.".....

Assertion 6

Quote...

I do not wish to personalise my arguments as to why we should have an election, but I do feel that a fresh approach appears to be the only way of having a group of people on the council who are prepared to listen and respond to criticism.

My response:

- There is currently only one vacancy so the reference to a "group" seems inappropriate.
- The Council must and will respond to fair criticism, but it will disregard unsubstantiated and unreasonable demands and criticism. For example, the wholly unsubstantiated allegations made as to breaches by unnamed councillors and an unidentified candidate of the Code of Conduct at the time of the appointment by co-option of Cllr Spall on April 1st. Allegations which Mr Rusack
- has failed despite request to withdraw.

Assertion 7

Quote

The councils (sic) say that an election will cost money, however the cost is approximately similar to the un-minuted plan to purchase of a bench engraved with the names of past Parish Council Chairman carved for "posterity".

My Response

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With reference to the cost of the election versus the cost of the proposed bench to be constructed at Jubilee Field. No Council resolution or other decision has ever been taken except to defer consideration of the project and secondly the project would only ever advance with the benefit of substantial grant funding a point clearly made at Council Meetings and subsequently minuted Council minutes. The relevant meetings were attended by you attended by Mr Rusack and so, I surmise that you he has either forgotten the events or chosen to ignore them.

Please see:

Paragraph 7 see of the minute of the 9th February 2021 records these points.

Further evidence of the deferment of the project is evident from the minutes of 13 April 2021. As no project has ever been put before the Council for a decision to be made, I question how Mr Rusack purports to know the cost? Accordingly, I find it difficult to accept the statement made by Mr Rusack that***“an election will cost money, however the cost is approximately similar to the un-minuted plan to purchase of a bench engraved with the names of parish council chairman carved for posterity”***..... The word “**posterity**” is Mr Rusack’s invention and I ask him to identify the“unlimited plan”.. to which he refers.

General points

The council has achieved, contrary to Mr Rusack’s statements several objectives since the beginning of the year to include but not limited to:

- the preparation of a field map identifying the users of all fields surrounding the village through which public footpaths pass, to facilitate a rapid response to any footpath problems;
- the development of a brand-new website at little or no cost to the Council with ongoing savings in terms of hosting fees;
- preliminary steps intended to lead to the preparation of a village emergency plan;
- the restoration of a historic village triangle using volunteer village labour at the junction of mill lane and low Rd; and
- arranging the repair of the village fingerpost at the South-eastern end of the village

No credit or acknowledgement is given by Mr Rusack for such achievements.

I question what contributions Mr Rusack has made for the benefit of the community at the same time noting that despite his criticism he is unprepared to offer himself as a candidate for councillor.

I have two further points to make.

Firstly, the document makes no reference to the need for interested persons to be ten in number, nor does it mention the need to give notice of an election request to the Returning Officer, no later than 05 August 202, both of which points are key elements in any progression of the stated objective.

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Secondly my email address as provided by Mr Rusack at the foot of his document is incorrect. The correct email address is Sweffling.clerk@outlook.com an address which in view of the significant number of emails I have received from Mr Rusack I would have thought he might have been familiar with.

In summary residents of Sweffling who are eligible to be entitled to vote should consider their individual decisions based on a balanced view.

(Signed) Michal Smithson
Clerk to Sweffling Parish Council,
Poplar Farm Barn, Holden's Lane, Sweffling, Saxmundham, IP17 2BW