



LEDBURY TOWN COUNCIL

Minutes of Full Council Meeting held
On Thursday 1st November 2018
In The Community Hall – Ledbury

PRESENT:

Chair of the Council; N. Shields

Deputy Council Chair: J. Roberts

Councillors: D Baker; K Francis; A. Harrison; J. Hopkins;
P Howells; E Harvey; D. Vesma; A Warmington;
D Whattler

In Attendance: G. Rippon - Acting as Clerk for the meeting
M. ab Owain – Acting (Part-Time) Town Clerk
S. Fisher - Minutes

10 members of the public
1 representative of the press

C165– 11.18 Apologies

Apologies were received from Cllrs Bradford; Eakin; Knight; Low;
Manns and Morris

C166– 11.18 Interests

There were no interests declared at this stage in the meeting. See
C181 – 11.18

C167– 11.18 Public Participation

A member of the public asked if there was any progress on the
recovery of the Council's legal expenses in relation to the Judicial
Review

The Chair responded that this would be dealt with in detail under the
specific Agenda Item on the Judicial Review.

C168 - 11.18 Minutes

i) Minutes of the Meeting of Full Council of 27th September 2018

Cllr Roberts pointed out that she and Cllr Manns left the meeting at the end of the Open Session of the meeting (point C154-9.18)

Proposal: With the above amendment, the Minutes be approved as an accurate record of the Full Meeting of Ledbury Town Council held on 27th September 2018.

Voting: Agreed

ii) Minutes of Extraordinary Meeting of Full Council of 4th October 2018

It was pointed out that Cllr Howells had attended this meeting, and is listed as speaking.

Proposal: With the amendment of the attendance details as above the Minutes be approved as an accurate record of the Extraordinary Full Meeting of Ledbury Town Council held on 4th October 2018.

Voting: Agreed

C169 - 11.18 Chairman's Report and Correspondence

The Chair reported that the past month has been busy, with a detailed meeting with Balfour Beatty concerning traffic management and other related matters and Staff Recruitment.

She attended 5 events on behalf of the Council: A Community Celebration, with choral singing from local schools; the Shrieval Service in Hereford Cathedral confirming the new High Sheriff Nat Hone; the Inauguration Service for NMiTE in Hereford Cathedral, as well as Opening the October Fayre.

There was no correspondence received during this period.

C170 - 11.18 Committee Matters: Economic Development & Planning Committee

The Council received the Minutes of the meeting held on 4th October 2018.

Cllr Warmington, as Chair of this meeting, explained that there was nothing controversial in the matters discussed, although he highlighted concerns over the road closures for the works to Storesbrook Bridge.

Proposal: The Minutes be approved as an accurate record of the Economic Development and Planning Committee held on 4th October 2018.

Voting: Agreed

C171– 11.18 Committee Matters: Environment & Leisure Committee

The Council received the Minutes of the meeting held on 11th October 2018.

Cllr Hopkins highlighted the Resolutions under items E93(ii), concerning the Cemetery Perimeter Wall, and E96 about the new Shelter on the Recreation Ground.

Re Item E93(ii) Cllr Francis expressed concern at the standard of works already done on the Cemetery Wall, and asked if the same contractor would be used for the current Works.

Cllr Hopkins responded that the Resolution was to arrange for inspection by a qualified person, prior to drawing up a specification for the works and proceeding to tender for the works.

Re Item E96, the Chair explained that these works had been under consideration for 6 years; also the principal problem appeared to be drainage causing pools of standing water at the base of the monument rather than major structural defects.

Cllr Francis requested clarification of the Conservation Officer's description of the works to the War Memorial as "cosmetic".

Cllr Hopkins stated that this meant that the works required were not structural in nature, and therefore no formal consents would be needed which would mean that the works could be done sooner.

Finally Cllr Francis asked that his apologies for non-attendance at this meeting be recorded.

Proposal: The Council consider the Minutes of the meeting held on 11th October 2018 and with the amendment to the attendance records agree to accept the Minutes and recommendations contained therein.

Voting: Agreed

C172 - 11.18 Committee Matters: Finance & General Purposes Committee

- i) The Council received the Minutes of the meeting held on 18th October 2018.

Cllr Harrison thanked Cllr Baker for chairing this meeting in his absence. He explained that the Minutes were detailed, and possibly difficult to understand; the basic point is that the Committee is attempting to simplify and clarify the way in which the Budget is presented in order to make it clearer for both Councillors and members of the public to comprehend. He also noted that tenders will be sought for the Internal Audit and that an objection had been received in relation to the External Audit for the year 2017/18.

Gwilym Rippon mentioned that he has experience of dealing with objections to external audits, which the temporary Clerk does not have, and expressed his willingness to assist in dealing with this matter.

Proposal: The Council consider the Minutes of the meeting held on 18th October 2018 and agree to accept the Minutes and the Proposals therein.

Voting: Agreed

- ii) Minutes of an Extraordinary Meeting held on 25th October 2018

The Council received the Minutes of the Extraordinary meeting held on 18th October 2018.

Cllr Harrison explained that this meeting was to go through the Budget in detail “line by line”, and that it is possible that a further extraordinary meeting may need to be held before a final draft of the Budget can be presented. The Chair confirmed that the Committee is seeking to clarify cost codes for the budget for future reference.

Cllr Harvey asked if it would be possible to include a link from the front page of the website to a pack of documents for upcoming meetings.

The Chair referred this question to Cllr Hopkins who responded that this would be difficult on the current website.

Proposal: The Council consider the Minutes of the meeting held on 18th October 2018 and agree to accept the Minutes and the Proposals therein.

Voting: Agreed

- iii) Payment of Invoice from the Talbot Hotel

The Temporary Clerk left the meeting while this item was discussed.

The Council received the Invoice from the Talbot Hotel for Accommodation for the Temporary Clerk.

Cllr Howells commented that the invoice was moderate for the Talbot Hotel. Cllr Harrison explained that the invoice had been pre-approved and the Full Council was being asked to approve payment as presented.

Proposal: The Council accept the Invoice from the Talbot Hotel and authorise payment thereof.

Voting: Agreed

C173 - 11.18 Operational Review

The Chair explained that it is now 2 years since the Operational Review report had been drawn up and some changes suggested had been overtaken by time and events, and others were being incorporated into the Job Specifications being drafted for the current recruitment round.

She said that the key area that had not been considered yet was the committee structure. She advised that Cllr Vesma had agreed to chair a working party to review this taking into account the recommendations in the report, the Town Plan and best practice in other councils. She thanked him for taking on this chairmanship and added that any assistance with research for this review would be appreciated.

Cllr Harvey pointed out that although Working Groups were chaired by councillors, membership of them is not restricted to councillors and council staff.

C174 - 11.18 Budget Process

i) Parish Meeting

The Chair confirmed that this has been set for 14th November 2018, for the purpose of discussions between the Council Members and the local public on priorities as set out in the proposed Budget for 2019/20. It will be publicised in advance. It will be followed by the Joint Committee Budget meeting on 29th November, where comments brought forward from the Parish Meeting will be discussed and incorporated into a final draft Budget.

Cllr Harvey thanked the Chair for organising this meeting and Cllr Whattler asked for details of how it will be publicised.

The Chair responded that it will be publicised on the regular Council Noticeboards, the Council Website and in the Ledbury Town Facebook Group. The Temporary Clerk will be asked to issue a Press Release which it would be hoped the Ledbury Reporter would publicise.

Cllr Whattler suggested a few A4 “flyers” could be posted in shops in the Town Centre, and the Temporary Clerk will take this under advisement.

ii) Joint Committee Budget Meeting

The Chair confirmed that this has been set for 29th November 2018.

C175 - 11.18 Committee Matters: Committee Membership

i) Councillor Knight

The Council considered Cllr Knight’s request to sit on the Environment and Leisure Committee

Proposal: Councillor Knight’s request to sit on the Environment and Leisure Committee be approved.

Voting: Agreed

ii) Councillor Whattler

The Council considered Cllr Whattler’s request to sit on the Economic Development and Planning Committee and Environment and Leisure Committee

Proposal: Councillor Whattler’s request to sit on the Economic Development and Planning Committee and Environment and Leisure Committee be approved.

Voting: Agreed

iii) Councillor Low

No formal requests for Committee membership have been received from Cllr Low.

The Chair explained that this is because Cllr Low currently has health issues, which she hopes to have resolved sufficiently to return to Council work in February 2019.

Cllr Harvey requested that Cllr Low be voted membership of all 3 working Committees of the Council in the interim to enable her to participate in their decisions in this period.

The Chair proposed that the Temporary Clerk write to Cllr Low to enquire if she would like to be formally nominated to any of the committees in advance of her anticipated return in February. She confirmed that Cllr Low continues to receive all papers for these committees.

C176 - 11.18 Internal and External Audit

The Temporary Clerk confirmed that four tenders have been received for the Internal Audit, which will be sent to the Finance and General Purposes Committee for consideration and recommendations.

He further confirmed that there has been a challenge to the 2017/18 External Audit, but that the current External Auditors were unable to find anything wrong. This matter is still under consideration.

C177 - 11.18 Website Tender

Cllr Hopkins confirmed 3 tenders had been submitted for the website, but one did not meet the requirements and so only 2 were considered by the working group. Of these one – which was the cheaper at £7,000 plus VAT – was considered better technically and the working group wished to propose that this tender be accepted.

Cllr Howells asked if the proposals were for a specified number of pages, which Cllr Hopkins confirmed was the case. He also asked if it was possible to include on the website the background information as to how current Council decisions and Policies had been reached, and Cllr Hopkins said that this was included in the specification for the new website.

Cllr Vesma said that the specification for the website had been detailed and approved by Council, and the tender was comprehensive and he had no hesitation in asking the Council to accept the proposed Tender.

Cllr Harvey and others felt they were unable to take this decision without seeing the tender.

The Chair proposed that the decision be delegated to the Finance and General Purposes Committee, and the Working Group should send a formal Proposal to that meeting.

Proposal: The Working Group for the website make a formal proposal for acceptance of their selected tender to the Finance and General Purposes Committee, and that Committee be authorised to commission the work if the proposal is accepted.

Voting: Agreed

Cllr Hopkins apologised to the meeting for failing to distribute the details of the Tender to Councillors – due to the unexpected disruption to her internet as a consequence of an accident to a telegraph pole.

C178 - 11.18 Town Council Policies

The Chair informed the meeting that a letter had been received from the local Labour Party querying a refusal to rent them a pitch below the Market Hall for the Saturday Charter market on the grounds that it was against the Council's policy. The letter pointed out that other markets in the County permit political parties to take pitches in their markets on an ad hoc basis.

She explained that while she was not averse to changing this policy she felt that it should not be done without thought or in the middle of an electoral cycle.

There was considerable discussion of this letter, and whether or not there is an extant statement of the policy to which it referred, and whether the policy should be withdrawn.

Cllr Warmington proposed that the Labour Party be offered a pitch at the Market Hall for 3rd November market, on an ad hoc basis, while a formal policy is drafted; Cllr Howells seconded this proposal.

Cllr Hopkins stated that it was necessary to determine who such a policy covered, and that setting a precedent by offering one party a pitch without a formal statement could lead to problems later.

Cllr Harvey suggested that there should be a working party set up with representation from the Democratic and the Charter Markets Working Parties, and input invited from parties that have been rejected for pitches; this working party could also incorporate Electoral Commission time frames for local and national elections, as per their website.

Cllr Francis pointed out that there are no available pitches for the Saturday markets at present; pitches are generally taken and paid for on an annual basis and there is currently a waiting list for the pitches under the Market Hall. He added that one pitch is available free of charge in each month for registered charities.

Following this comment, Cllrs Warmington and Howells withdrew their proposal, and the Council voted on Cllr Harvey's alternative, as amended by the Chair.

Proposal: That a Working Party be set up with representation from the Democratic and the Charter Markets Working Parties, and input invited from parties that have been rejected for pitches in the current financial year, to draft a formal policy on pitches in the Charter Markets for Political Parties and Action Groups.

Voting: Agreed

Speaking from the floor, a member of the public suggested that by not permitting political parties to rent pitches in the Market the Council was laying itself open to an accusation of denial of their Human Rights.

This comment was noted, although the Clerk of the Meeting stated that this was not, in fact, the case.

Cllr Vesma left the meeting at this point (20.50)

C179 – 11.18 Recruitment Update

i) Groundsman

The Temporary Clerk informed the meeting that 2 applications had been received for the position of Groundsman; interviews had been held on 1st November 2018, but neither candidate met the specifications that had been drawn up prior to interviews. Following the interviews the interviewing panel of Cllrs Shields and Hopkins with the Temporary Clerk had held a meeting with the interim maintenance contractor to discuss the job specification. They wish to refer the matter back to the Standing Committee to reconsider the role and re-advertise.

Cllr Francis enquired if the temporary contractor had been one of the candidates, and was informed that he was not.

Cllr Howells requested and received confirmation that ongoing maintenance was being done

ii) Town Clerk

The Temporary Clerk informed the meeting that responses received for this position had not been as good as hoped; interviews have been set for 14th November, with a panel consisting of the Chair, Cllr Roberts, Gwilym Rippon and the Temporary Clerk. If there is a suitable

candidate there will be a second interview which will include the candidate meeting the staff and then an invitation to meet councillors prior to the subsequent meeting of the Full Council. Any proposed appointment will then be put to a Full Council for consideration and hopefully confirmation.

He did, however, comment that it may be that no candidate is considered for appointment, in which case it would be necessary to re-advertise the post in the New Year.

Cllr Harvey asked if the Council has a formal recruitment policy.

The Chair responded she was not aware of a policy in place but would check and ensure that any extant policy is complied with; in the interim the Council is following what is considered best practice in recruitment currently.

C180 – 11.18 Neighbourhood Development Plan Update

The Chair explained that following the Inspector's Report on the Draft Plan the Council was left with two options.

Either accept the Report and put the matter to a Local Referendum

Or withdraw the plan submitted and redraft it.

The latter option would have meant considerable further delay and so it was decided to go forward to the referendum stage.

The date for the Referendum has been set as Thursday, 6th December.

Cllr Harvey asked what plans are in place to raise public awareness of the referendum.

The Chair asked if Cllr Harvey could undertake the publicity, but she declined, and the Chair proposed that the NDP Working Party take this on as a matter of urgency.

Cllr Howells asked if it will be a one-day vote and the Chair confirmed that it will.

C181 – 11.18 Judicial Review Update

The Chair reported that the Council is making progress on this, and is now in a position to put some previously confidential information in the public domain in respect of the relative legal costs of the Council and Cllr Harvey.

A dossier is currently being drafted (almost complete) to enable the Council to take legal advice from an independent solicitor on the advisability of taking legal action to recover their costs.

She proposed that any expenditure on this matter be limited to a maximum amount of £2,000 with any costs above this amount being referred back to Full Council for approval.

At this point Cllr Francis declared an interest in this matter, and signed the register of interests.

Proposal: That the Council seek independent legal advice an independent solicitor on the advisability of taking legal action to recover their costs. The Council is authorised to spend no more than £2,000 plus VAT on this advice; any expenditure above this amount must be pre-authorised by Full Council.

Voting:

In favour: Cllrs Baker; Harrison; Harvey; Hopkins; Howells;
Roberts; Shields; Warmington; Whattler

Against: None

Abstentions: Cllr Francis

The Chair commented that rumours abound on this subject, and it is therefore vital to ensure that information is made public as soon as legally possible.

Cllr Whattler asked if the Council could issue a statement supporting Cllr Harvey when the information is made public.

The Chair responded that the Council would need to take legal advice on what could be said.

Cllr Harrison suggested re-issuing the press release issued immediately after the publication of the judgement in the Judicial Review, together with that Judgement.

Cllr Harvey asked that the Council's costs be published as well as hers.

The Chair responded that it is important that both sets of costs are published.

Cllr Harrison commended the present Council on its commitment to transparency.

Proposal: The Council publishes previously confidential information in respect of the relative legal costs of the Council and Cllr Harvey in the Judicial Review process.

Voting: Agreed

The Chair noted that some details of Cllr Harvey's pre-judicial review costs will remain confidential until this matter is settled.

C182 - 11.18 Herefordshire Councillors' Reports

Cllr Harvey reported that the proposed County Council Budget will shortly be made public, following their public consultations. She reminded the meeting that Councillors are permitted to raise questions on the Budget and its priorities in the period following publication.

She commented that she was disappointed in the decision to close the roads for the works to the Storesbrook Bridge immediately before Christmas; she had tried very hard to get this closure put back to the New Year but without success. She has asked for a written report from the relevant departments for the reasons why this work, having been delayed for some years, could not have been delayed until after the Christmas/New Year holiday period.

C183 - 11.18 Outside Bodies

The Chair reported that she had chaired the meeting of PACT on 29th October; it had also been attended by a small number of local residents.

The principal concerns had been safety and antisocial behaviour in Dog Hill Wood and on the Recreation Ground, and Speeding.

The antisocial behaviour problems appeared to have been greatly mitigated if not completely solved by a small number of arrests.

The Speeding issues are being considered by the Traffic Management Group, led by Cllr Howells; it will report back to the next meeting.

The next meeting of PACT is planned for January 2019.

At this point Cllr Warmington left the meeting. (21.25)

C184- 11.18 General Correspondence

There was no general correspondence for consideration.

C185 - 11.18 Date of Next Meeting:

The date of the next meeting of the Full Council was confirmed as Thursday 6th December 2018.

Because the Referendum on the Neighbourhood Plan will be held on that day, Council will meet in the Methodist Hall instead of the Community Centre.

C.186 - 11.18 Exclusion of Members of the Public

Proposal: To exclude members of the public from the rest of the meeting.

Voting: Agreed

Public Bodies (Admission to Meeting) Act 1960 Section 1 extended by Local Government Act 1972 Section 100. In order to consider confidential legal, financial and employment matters the Chairman proposed to exclude members of the public.

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The meeting following the closed session ended at 9.40pm.

CHAIRMAN DATE