

LEDBURY TOWN COUNCIL
Minutes of a Meeting of
Ledbury Town Council
held on Thursday 8th June 2017
in The Methodist Hall, Ledbury

Present: Councillors: R Barnes A Bradford
 A Crowe M Eager
 M Eakin E Fieldhouse
 A Harrison E Harvey
 A Manns N Morris
 J Roberts N Shields
 J Simpson H Wilce
 A Warmington

In attendance: Mrs K Mitchell - Clerk to the Council
Mrs J Jupp – Administrative Assistant
25 Members of the public and 1 press (at the start of the meeting)

C.74 - 06.17 ELECTION OF TOWN MAYOR 2017/18

To elect the Town Mayor for 2017/18 following Cllr Eager's resignation from the post.

Councillor Crowe explained that Councillor Baker, the outgoing Mayor for 2016/17, had had to give apologies at the last minute. Councillor Crowe, as outgoing Mayor 2015/2016 would therefore act as Chairman for this item of the meeting.

Councillor Harvey requested that item 12 Parish Meeting should be discussed before the election of the Town Mayor.

The Clerk explained that the election of Town Mayor 2017/18 must be the first item of business, as per the agenda and that effectively the position was as it was on 11th May 2017 at the Annual meeting of the Council.

A lengthy discussion took place during which arguments were put forward for deferring the appointment of the Town Mayor until after Minutes of the Parish meeting held on 31st May 2017 had been discussed.

The Clerk stated that the Election of the Mayor being the first item on the agenda was the law and that the Council was at risk if it did not comply.

The Chairman proceeded with the election process.

There were three nominations for Mayor:
Councillor Fieldhouse, Councillor Morris and Councillor Shields.

| | | |
|----------------|-------------------------|---|
| VOTING: | Councillor E Fieldhouse | 9 |
| | Councillor N Morris | 2 |
| | Councillor N Shields | 4 |

**RESOLVED: That Councillor Fieldhouse
be elected as Town Mayor
for 2017/18.**

Cllr Fieldhouse declared her Acceptance of Office as Town Mayor and signed the Declaration, witnessed by the Clerk to the Council. She then gave an address of thanks for her election.

C.75 - 06.17 APOLOGIES

Apologies were received from Councillors:

D Baker

K Francis (holiday)

N Roberts (ill health)

C.76 - 06.17 DECLARATIONS OF INTEREST

None.

C.77 - 06.17 PUBLIC PARTICIPATION

A member of the public asked for clarification regarding the distribution of the Portas Funds. The Clerk advised that the applications would be considered at the next Finance & General Purposes Committee meeting.

A member of the public expressed appreciation about the resurfacing of The Homend and went on to speak of her concerns regarding perceived divisions and tensions within the Council, especially during a climate when more responsibilities may be passed to the Council. The member of the public suggested that the Council bring in a professional mediator to resolve the issues and enable the Council to move forward again. The Mayor thanked the member of the public for the suggestion and said that the Council would consider this.

A member of the public referred to the Parish meeting held on 31st May. He made a number of statements concerning the election of the previous and current Mayor and his comments led to an acrimonious exchange.

A member of the public suggested that the Community Hall would be a better venue for future Full Council Meetings. It was explained that the Community Hall was usually the venue but it was being used by the Blood Donor Unit that evening.

A member of the public said that she felt it was unacceptable not to have a Town Mayor as suggested at the parish meeting and that she was unhappy with the behavior of a few Councillors which reflected badly on the Council as a whole.

A member of the public requested that Councillors have Enhanced Disclosure and Barring Service (DBS) checks.

The Mayor said that some Councillors did work with youth groups and

therefore did have Enhanced DBS. The member of the public asked for sight of them. The Clerk advised that it was not a requirement of the role for Councillors to undergo DBS checks or to provide sight of them.

A member of the public explained that he had previously been Town Mayor and that one of the most valuable aspects of the role was the involvement with local groups. If the Town moved away from having the role of Mayor it would be a disservice to all.

C.78 - 06.17 PARISH MEETING

It was agreed that Item 12 would be moved up the agenda.

Cllr Shields gave a report on the parish meeting held on 31st May 2017. It had been constructive, attendees were interested in knowing more about how the Council and its committees operated; they encouraged the idea of holding a Parish Meeting on a more regular basis.

Members considered and voted on the proposals contained within the Minutes of the meeting.

The Clerk advised that Parish meeting resolutions differ considerable in their legal consequences. Resolutions from a Town meeting are considered as persuasive only; the Town Council may legally disregard them.

Proposal 1:

‘That in future elections of Mayor and Deputy Mayor, in years where there was no full council election that all candidates should declare their candidacy a minimum of 14 days ahead of the agenda for the Annual Council Meeting being drawn up, with the names of the proposer and seconder and should make a brief statement about the reasons for their candidacy’.

The Clerk advised that the law stated that the Chairman had to be elected on the night of the Annual Council and therefore nominations could be made on the night.

A named vote was requested:

VOTING: For (6)

| | |
|--------------|----------|
| N Shields | E Harvey |
| A Harrison | N Morris |
| A Warmington | H Wilce |

Against (8)

| | |
|--------------|------------|
| R Barnes | A Bradford |
| A Crowe | M Eager |
| E Fieldhouse | A Manns |
| J Roberts | J Simpson |

Abstentions (1)

M Eakin

The Motion was LOST.

Proposal 2:

‘That a mechanism be devised for absent councillors to be able to vote by proxy in future elections for Mayor and Deputy Mayor’.

A lengthy discussion subsequently took place. The Clerk stated that under the Local Government Act 1972 Sch12, para 39(1), Council members had to be present at a meeting to vote and therefore voting by proxy could not take place.

No vote was taken.

Proposal 3:

‘That no Mayor be elected for the year 2017-18, that a Chairman of the Council be elected instead and that civic duties during that year be conducted by the current Deputy Mayor, where possible’.

The Clerk advised that a local Council is not properly constituted until it has appointed its Chairman. His/her appointment must be the first business at the Council’s annual meeting.¹ LGA 1972 ss 14(1), 15(2), 33(1) and 34(2)

If the locality is a town the chairman is entitled to be called the Town Mayor.² He cannot be compelled to use or prevented from using this title. The roles are synonymous. It is custom and practice for Ledbury to have a Mayor since 1974.² LGA 1972 s245(6)

No vote was taken.

Proposal 4:

‘That the Town Council dissolve itself and a full election be held for a new Town Council’.

The Clerk advised that there would then be no parish council and it would be run by Herefordshire Council. The term for current councillors was until May 2019 and stepping down was an individual choice.

A named vote was requested:

VOTING: For (6)

| | |
|--------------|----------|
| N Shields | E Harvey |
| A Harrison | N Morris |
| A Warmington | H Wilce |

Against (9)

| | |
|-----------|--------------|
| R Barnes | A Bradford |
| A Crowe | M Eager |
| M Eakin | E Fieldhouse |
| A Manns | J Roberts |
| J Simpson | |

The Motion was LOST.

Proposal 5:

'That in the event that the Town Council does not vote to dissolve itself, it should accept mediation or other professional conflict resolution in order to heal the divisions within it for the good of Ledbury'.

**VOTING: For 14
Abstentions 1**

Cllr Eakin left the meeting at 8.45 pm.

C.79 - 06.17 MINUTES

1. Members considered the accuracy of the Minutes of the Annual Meeting of the Council held 11th May 2017.

The following amendments were made:

Cllr Shields name to removed from the list of those present.

Cllr Barnes to be added to the list of those present.

Councillor Harvey proposed a number of amendments to the Minutes which were not approved.

The minutes, as amended were then confirmed as an accurate record.

2. To consider declassifying the Standing Committee Minutes of 8th May 2017 from confidential to public. Councillor Harvey requested an explanation of why it was being suggested that the minutes were declassified.

The Clerk explained that the Minutes were taken by the Chief Executive of HALC; it was the author's decision to classify them as 'Confidential' which is what they were at the time. The debate took place in private session and it related to an employment matter.

RESOLVED: That the Minutes of the Standing Committee Meeting of 8th May 2017 be declassified.

**VOTING: For 12
Against 1
Abstain 1**

C.80 - 06.17 CHAIRMAN'S REPORT AND CORRESPONDENCE

None

C.81 - 06.17 HEREFORDSHIRE COUNCILLORS' REPORTS

No reports had been received.

C.82 - 06.17 COMMITTEE MATTERS - ECONOMIC DEVELOPMENT & PLANNING

Councillor Crowe presented the Minutes of the Economic and Development Meeting held on 25th May 2017.

RESOLVED: That the Minutes P.60-05.17 to P.70-05.17, be approved and adopted.

**VOTING: For 12
Abstentions 2**

C.83- 06.17 COMMITTEE MATTERS - ENVIRONMENT & LEISURE

Councillor Bradford presented the Minutes of the Meeting held on 18th May 2017.

RESOLVED: That the Minutes E.37-05.17 to E.48-05.17, be approved and adopted.

**VOTING: For: 11
Abstentions: 3**

C.84 - 06.17 COMMITTEE MATTERS - FINANCE & GENERAL PURPOSES

1. Councillor J Roberts, Chairman of the Finance & General Purposes Committee, presented the Minutes of the meeting held on 9th May 2017, copies having been previously circulated.

Councillor Manns left the meeting at 9.15 pm

A discussion took place with regard to F.50–05.17, External Audit. The Mayor, Cllr Fieldhouse, reiterated that this did not relate to the Code of Conduct.

RESOLVED: That the Minutes F.46-05.17 to F.50-05.17 be approved and adopted.

**VOTING For: 7
Against: 4
Abstentions: 2**

2. Councillor R Barnes, Chairman of the Finance & General Purposes Committee, presented the Minutes of the meeting held on 1st June 2017, copies having been previously circulated.

- i. Referring to F.61- 06.17, It was proposed, seconded and

RESOLVED: To increase the contribution towards printed materials for the 400th Anniversary of the Market House to a maximum of £900.

**VOTING: For: 11
Abstentions: 2**

- ii. Annual Return Section 1 – Annual Governance Statement
The Meeting considered the Annual Governance Statement for 2016/17 and voted individually on Items 1 to 9.

RESOLVED: To answer YES to Assertion 1:

We have put in place arrangements for effective financial management during the year and for the preparation of the accounting statements.

**VOTING: For: 11
Abstentions: 2**

RESOLVED: To answer YES to Assertion 2:

We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.

**VOTING: For: 10
Against: 1
Abstentions: 2**

Councillor Harvey requested a named vote in regard to Item 3

RESOLVED: To answer YES to Assertion 3:

We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and proper practices that could have a significant financial effect on the ability of this smaller authority to conduct its business or on its finances.

VOTING: For (7)
R Barnes A Bradford
A Crowe M Eager
E Fieldhouse J Roberts
J Simpson

Against (6)

N Shields E Harvey
A Harrison N Morris
A Warmington H Wilce

RESOLVED: To answer YES to Assertion 4:

We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.

VOTING: For: 10
 Against: 1
 Abstentions: 2

RESOLVED: To answer YES to Assertion 5:

We carried out an assessment of the risks facing this smaller authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.

VOTING: For: 10
 Abstentions: 3

RESOLVED: To answer YES to Assertion 6:

We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.

VOTING: For: 8
 Against: 2
 Abstentions: 3

RESOLVED: To answer YES to Assertion 7:

We took appropriate action on all matters raised in reports from internal and external audit.

VOTING: For: 8
 Against: 3
 Abstained: 2

Councillor Harvey requested a named vote in regard to Item 8

RESOLVED: To answer YES to Assertion 8:

We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this smaller authority and, where appropriate have included them in the accounting statements.

VOTING:

For (7)

R Barnes A Bradford
A Crowe M Eager
E Fieldhouse J Roberts
J Simpson

Against (4)

E Harvey A Harrison
N Morris A Warmington

Abstentions: (2)

N Shields H Wilce

RESOLVED: Assertion 9 – Not applicable

(For local councils only). Trust funds including charitable, in our capacity as the sole managing trustee we discharged our accountability responsibilities for the funds(s)/assets, including financial reporting and, if required, independent examination or audit.

VOTING:

For: Unanimous

iii. Annual Return Section 2 – Accounting Statements
The Meeting considered the Accounting Statements for 2016/17.

RESOLVED: To approve the Accounting Statements for 2016/17.

VOTING:

For: 8
Abstained: 5

RESOLVED: That the Minutes F.51–06.17 to F.66 –06.17 be approved and adopted.

VOTING: For: 8
Abstained: 5

In view of the lateness of the hour, the Chairman advised that all untransacted business would be deferred to the next meeting which would take place on Thursday 20 July 2017 7.30 pm at the Community Hall, Lawnside Road, Ledbury.

The meeting closed at 9.50pm