

**MINUTES OF A MEETING OF
FULL COUNCIL MEETING
HELD ON 6 FEBRUARY 2020
IN THE TOWN COUNCIL OFFICES, LEDBURY**

PRESENT: Councillors Bannister, Eakin, Harvey, Howells (Chair), Manns, Morris, Knight, Whattler, Vesma

IN ATTENDANCE: The Town Clerk – Angela Price
The Minute Taker- Olivia Bundy
Residents of Ledbury
Members of Extinction Ledbury
Members of Sustainable Ledbury

C174. APOLOGIES

No Apologies received

C175. DECLARATION OF INTERESTS

Councillor Harvey declared a pecuniary interest on agenda item 12 **‘To approve invoices and payments’** and signed a declaration of interest form accordingly.

C176. PUBLIC PARTICIPATION

The Chairman granted permission for Extinction Rebellion Ledbury and Sustainable Ledbury to speak on agenda item 19 – Climate Emergency Declaration.

A representative from Extinction Rebellion Ledbury gave a detailed speech on her concerns regarding the current climate and nature emergency. She felt that it was imperative that the Council declare a climate emergency and offered the support of Extinction Rebellion Ledbury, and with the councils help, policies and engagement of the community, hoped Ledbury could be a more sustainable Market Town.

Nina Shields, chairman of sustainable Ledbury, also offered support to the Council if they were to declare a climate emergency.

The Chairman thanked the representatives and with the vote of members it was agreed to bring agenda item 19 forward.

C177. TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF A MEETING OF FULL COUNCIL HELD ON 5 DECEMBER 2019

Members were requested to approve and sign, as a correct record the minutes of a Full Council meeting held on 5 December 2019.

RESOLVED:

That the minutes of the meeting of the Full Council held on 5 December 2019 be approved and signed as correct record.

C179. TO RECEIVE THE CHAIRMANS REPORT

A written report was received from The Mayor, Councillor Howells.

Councillor Howells advised members of the recent meetings and events that he had attended such as the Ledbury Big Breakfast which he considered to have been a great success.

He advised members that a meeting had been scheduled in his diary on 6 March 2020 at Herefordshire Council for the first meeting of a revised Market Town Forum. He also advised members of the events listed below and invited members to attend if possible.

Mayors Events

Saturday, 15 February - Tesco bag fill between 10:00-12:00
Tuesday, 21 April – Mayors Magic Charity Event at the Rugby Club TBC
Friday, 1 May – quiz Night TBC

RESOLVED:

That the Mayors report be received and noted

C180. HEREFORDSHIRE COUNCILLORS REPORT

Written reports were received from Councillors Harvey, Howells and l'Anson

Councillor Harvey advised that the budget documents had been approved and that there will be an increase of 3.9% in Council Tax and a continued 84% discount available under the reduction scheme.

She updated members on Bloor Homes and advised that they had lodged an appeal with the Planning inspectorate and that the appeal was currently scheduled for Tuesday, 28 April – Friday, 1 May, and Tuesday, 5 May – Thursday, 7 May. She suggested that the dates may be pushed back due to Bloor Homes needing to possibly update their climate change documents. She hoped that both Councillors and members of the public would attend the enquiry and that it would be held locally.

Councillor Harvey also advised members that a reduction in winter Sunday opening hours at Herefordshire's recycling centres had been agreed. However, subject to a successful planning variation, it was hoped that these hours would be used to extend the opening hours of Ledbury Household recycling centre to be Sunday 8:00 am– 6:00 pm in the Summer and 8:00 – 4:00 in the Winter.

RESOLVED:

That the reports be received and noted

C181. TO CONSIDER QUESTIONS AND COMMENTS FROM MEMBERS OF THE PUBLIC

None received

C182. TO RECEIVE MOTIONS FROM COUNCILLORS

The following motion was received from Councillor Eakin, seconded by Councillor Howells.

“Road treatment in and around Biddulph Way – Due to concerns from residents; I would ask that Ledbury Town Council make representations to Herefordshire Council and any other appropriate bodies to expand treatment of roads in icy conditions to include the area in and around Biddulph Way”

Councillor Eakin advised that he had been contacted by a resident of Ledbury regarding road treatments during winter. He advised that Jubilee Close and Biddulph Way were not subject to the same road treatment as other roads and felt this was a hazard to many residents. He also felt that this could be the case for many other Cul-de-Sacs in and around Ledbury.

Councillor Harvey was pleased to see that a motion had been submitted making use of the power afforded to Councillors via the full council agenda and felt that it was not used enough during Council Meetings.

She explained that Herefordshire County Council regularly grit roads in poor weather conditions however do not have the resources to access all Cul-de-Sacs. She reminded members

that Ledbury Council purchased grit bins at their own expense for Ledbury residents that lived on roads that were not easily accessible, and felt it was a neighbour and community responsibility to help one another during winter months.

Councillor Vesma was surprised that the Council provided grit bins in poor weather conditions and felt that this should be promoted on the Ledbury Social Media accounts.

After listening to the debate, Councillor Eakin proposed an amendment to his proposal to state, "that a request to Herefordshire Council for increased bins at the Councils expense and note the issue at Jubilee Close."

RESOLVED:

1. **That a request be submitted to Herefordshire Council for increased grit bins at the Ledbury Town Council's expense, if necessary, noting the road issues at Jubilee Close in poor weather conditions.**
2. **That Ledbury Council advertise on social media that grit bins are available for Ledbury residents if needed.**

C183.

TO RECEIVE AND NOTE MINUTES OF MEETINGS OF ECONOMIC DEVELOPMENT & PLANNING COMMITTEE HELD ON 12 DECEMBER 2019 AND 9 JANUARY 2020

Members were requested to receive and note the minutes of an Economic Development and Planning Committee held on 12 December 2019 & 9 January 2020 and to give consideration to any recommendations therein.

The Town Clerk advised members of a recommendation on page 768 in respect of the agreement for the purchase of the telephone kiosks.

RESOLVED:

1. **That the minutes of the Economic Development and Planning Committee meetings held on 12 December 2019 and 16 January 2020 be received and noted.**
2. **That the Clerk be authorised to proceed with the adoption of two telephone kiosks in the town as listed in minute no. P145.**

C184.

TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE RESOURCES COMMITTEE HELD ON 16 JANUARY 2020

Members were requested to receive and note the minutes of a Resources Committee meeting held on 16 January 2020 and to give consideration to any recommendations therein.

Councillor Whattler advised that he had been present at the meeting, but that it had not been recorded within the minutes.

RESOLVED:

1. **That the minutes of a meeting of Resources Committee held on 16 January 2020 be received and noted.**
2. **That Councillor Whattler's name be added to the Resources Committee Minutes on 16 January 2020, as being present at the meeting.**

C185.

TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE FINANCE, POLICY & GENERAL PURPOSES COMMITTEE HELD ON 23 JANUARY 2020 AND 3 FEBRUARY 2020

Members were requested to receive and note the minutes of a meeting of the Finance, Policy and General Purposes Committee held on 23 January and an Extraordinary meeting held on 3 February 2020 and to give consideration to any recommendations therein.

Councillor Harvey thanked the Town Clerk and Staff for their hard work and dedication for updating the policies for the Council which was imperative for the Governance Framework. She advised members of a recommendation that the Council change from their current banking provider to Unity Trust was made on page **786-minute number F141**.

The Town Clerk advised that the Unity Trust Bank provides specialist banking services to trade unions, charities and other organisations that operate in the not-for-profit sector in the United Kingdom.

Councillor Whattler suggested adding the red amendment below to minute number **F140 (1a) on page785**

“...they should offer them a three-year grant of £2,500 Per Annum...”

RESOLVED:

1. **That the minutes of the Finance, Policy and General Purposes meeting held on 23 January 2020 be received and noted, noting the amendment to minute number F140 (1a) on page 785.**
2. **That the minutes of an Extraordinary meeting of Finance, Policy and General Purposes held on 3 February 2020 be received and noted.**
3. **That the recommendation for the Council to change their current banking provider to Unity Trust be approved.**

C186.

RECOMMENDATIONS FROM OTHER COMMITTEES

Finance, Policy and General Purposes

Members were asked to consider the draft budget for 2020/21 and approve the recommendations submitted from a meeting of Finance, Policy and General Purposes Committee held on 3 February 2020.

As Chair of the Finance, Policy & General Purposes Committee, Councillor Harvey thanked members for their time and input into the draft budget for 2020/21.

She advised members of recommendations from the Finance, Policy and General Purposes Committee including, Council approving the funding of the 'special projects' in the sum of £57,500 planned for 2020/21 financial year to be funded from the 2019/20 underspend.

Councillor Vesma asked if the following recommendation had been agreed by the Council's internal auditor, which the clerk confirmed.

“That Council recognise the need for a one-off adjustment of £41,693 from the 2019/20 overspend to rectify the historical deductions from the Council's previous precept requests, noting that the proposed increase of income/expenditure for the 2020/21 financial year would be 2.8%.”

Councillor Howells personally thanked the Town Clerk for all her dedication and time that had gone into preparing the Draft Budget.

RESOLVED:

1. **That the “Special Projects” in the sum of £57,500 planned for the 2020/21 financial year to be funded from the 2019/20 underspend.**
2. **That Council recognise the need for a one-off adjustment of £41,693 from the 2019/20 overspend to rectify the historical deductions from the Council’s previous precept requests, noting that the proposed increase of income/expenditure for the 2020/21 financial year would be 2.8%.**
3. **That Council note that due to the one-off adjustment of £41,693 being made and the Special Projects being funded from the 2019/20 underspend, the council’s precept requirement for 2020/21 is £531,978 which equates to an 11.5% increase, a total increase of £1.33 per month per Band D equivalent property.**
4. **That the Draft Budget as presented be approved and that the Clerk be authorised to provide Hereford Council details of this Council’s precept requirements for the 2020/21 financial year in the sum of £531,978.**

C187.

TO APPROVE PAYMENT RECEIVED IN JANUARY 2020

Members were asked to approve the invoices and payments received in January 2020 in the sum of £26,721.07.

Councillor Harvey left the room for this agenda item, due to having declared a pecuniary interest.

Councillor Howells advised members that there was an outstanding payment of £7,005.00 to be made to Councillor Harvey as a repayment of the 2016 legal fees. He explained that the payment had been approved in two previous Full Council meetings which could be found on the archived minutes, but that no authorisation had been given to the officer to make these payments.

RESOLVED:

That the invoices and payments received for January 2020 in the sum of £26,721.07 be approved

Councillor Harvey re-joined the meeting.

C188.

TO APPOINT INTERNAL AUDITOR

Members were requested to formally appoint Ian Selkirk as the Councils internal Auditor for 2020/21.

The Town Clerk advised that in order to comply with legislation Town and Parish Councils should seek to engage an independent and competent person to undertake an internal audit on their behalf. She advised that Mr Selkirk confirmed in writing that his fee for carrying out an internal audit of the Councils financial year 2019/2020 would be £500

RESOLVED:

That Iain Selkirk be appointed as the Councils Internal Auditor for the purpose of carrying out an internal audit in respect of the 2019/2020 financial year, noting that his fee would be £500.

C189.

NOTES OF TOWN PLAN MEETING

Members were provided with a copy of the notes of Ledbury Town Plan Working Group held on 14 January 2020.

RESOLVED:

That the notes of a meeting of the Town Plan Working Group be received and noted

C190.

COUNCILLOR VACANCY

The Town Clerk reported that due to Councillor Rae-Clarke not having attended a council meeting or any meeting of an outside body as a representative of the Council for a period of six months or more, a "casual Vacancy" had arisen.

She advised that she had received no correspondence from Councillor Rae-Clarke and no request for a dispensation to not attend meetings, and that in accordance with the **Local Government Act 1972 Section 85 (1&2)**, Timothy Rae-Clarke should be considered disqualified from his position as a Town Councillor.

Members agreed that the Town Clerk should notify Herefordshire Council of the Casual Vacancy on behalf of Ledbury Town Council, and that in the meantime a letter be sent to Timothy Rae-Clarke to advise him that he had been disqualified as a result of non-attendance.

RESOLVED

- 1. That the Town Clerk advise Electoral Registration at Herefordshire Council of the Casual Vacancy.**

2. **That the Town Clerk write to Timothy Rae-Clarke advising him that further to previous correspondence and in line with the LGA 1972 he has been disqualified as a Town Councillor at Ledbury due to non-attendance for a period exceeding 6-months.**

C191.

RECOMMENDATIONS FROM OTHER COMMITTEES

Resources Committee

Members were provided with a copy of the Draft Councillor Co-option Policy

Councillor Harvey advised members the Draft Councillor Co-option Policy had been discussed at a recent Finance, Policy and General Purposes meeting and felt that Appendix B & C should be replaced with a link to the Councillors Code of Conduct and the Nolan Principles.

Both Councillor Harvey and Councillor Knight expressed their concerns on filling all 8-vacancies at one time, due to the administrative workload it would cause in the office. Whilst Councillor Harvey understood the Pros and Cons of filling 8-vacancies, she was mindful that the Council had many commitments including the Bloor Homes appeal and felt that currently, the council would not be able to give enough time to 8-new councillors.

Councillor Knight asked whether the public could vote alongside Councillors when filling the 8-vacancies. The Clerk advised that it is only Councillors who can vote on whether to co-opt new councillors onto the Council.

Councillor Knight proposed that the co-option be split into two processes and that the council fill 4-vacancies initially, with a second process later in the year - Councillor Morris Seconded.

Councillor Vesma asked that a named vote be taken.

VOTE TO CO-OPT FOUR NEW COUNCILLORS NOW AND FOUR MORE AT A LATER DATE

FOR

Councillor Knight
Councillor Harvey
Councillor Morris
Councillor Vesma

AGAINST

Councillor Eakin
Councillor Whattler

Councillor Bannister
Councillor Howells
Councillor Manns

Councillor Eakin proposed that the co-option be completed in one go in an attempt to fill all 8-vacancies, Councillor Whattler seconded.

VOTE TO CO-OPT TO ALL 8-VACANCIES AT ONE TIME

FOR

Councillor Eakin
Councillor Morris
Councillor Whattler
Councillor Bannister
Councillor Manns
Councillor Howells
Councillor Vesma

AGAINST

Councillor Harvey
Councillor Knight

The clerk explained that now the policy had been adopted she can notify Hereford.

Finance, Policy and General Purposes Committee

Councillor Harvey advised members that they needed to decide which option they preferred as shown on page 829 and suggested the Council us the second recommendation number 4.4

“...Any funds that accrued by donations or events held by the mayor will be paid to the charity / charities throughout the year as and when they are raised...”

Councillors Eakin, Manns and Whattler left the meeting at 9:25

RESOLVED:

1. **That the Draft Co-option Policy be approved subject to amendments as proposed above.**
2. **That applications for co-option be invited for all 8 vacancies on the Town Council.**
3. **That the date for the Co-option be discussed at the next meeting of Council to allow time for the advertising and return of application forms.**

4. **That the Draft Councillor & Staff Protocol & Principles of Good Practice be approved.**
5. **That the Draft Civic Protocol be approved, subject to the following being included at point 4.4:**

“Any funds accrued by donations or events held by the Mayor will be paid to the charity/charities throughout the year as and when they are raised.”

C192. SUSPENSION OF STANDING ORDER 3(e)

RESOLVED: That Standing Order 3(e) be suspended for 30 minutes to allow the remaining business on the agenda to be considered.

C193. DISTINGUISHED CITIZEN AWARDS

Members were asked to agree to an advertisement being placed in the local press and on the Councils website and social media platforms in respect of the 2020 Distinguished Citizen Awards.

Members discussed the timeline for advertising and the closing date for applications and decided the following:

20 March 2020 – Closing date for applications of 2020 Distinguished Citizen Awards
2 April 2020 – Applications to be considered at Full Council

RESOLVED:

1. **That the Town Clerk is authorised to advertise the 2020 Distinguished Citizen & Youth Achievement**
2. **That the timeline for advertising the Distinguished Citizen & Youth Achievement would be closing date in March 2020, noting that the applications would be considered at Full Council on 2 April 2020.**

C194. VIADUCT UPDATE

Councillor Bannister updated members on the Viaduct Development and advised that there had been discussions on whether the Council could apply for a Rule 6 Status. Whilst he understood that there would be costs involved, he felt that the Council needed to make a big impact. He advised members that in order to apply for a Rule 6 Status the Council would have to employ a Barrister. Councillor Vesma queried whether there was enough time to find a Barrister that would be able to represent the Council and felt that it was a difficult decision whether to apply for a Rule 6 Status.

Councillor Howells agreed with Councillor Bannister and felt that a Rule 6 Status could be achieved but that legal costs could be awarded against the Council if the case was not sustainable. He suggested that the Council consider looking into further legal advice and setting up a working party.

Councillor Harvey agreed that it was a difficult decision to make with regards to applying for Rule 6 Status. She expressed some concerns and suggested that the cost to the Council could be substantial. She advised members that the Council could still hire a professional Barrister or employ a professional advocate without applying for a Rule 6 Status.

A member of the public, Arthur Edge, felt that the effort that was made by Councillors in the first appeal was fantastic and stated that he agreed with Councillor Harvey's suggestion of employing a professional advocate rather than applying for a Rule 6 status.

A vote was taken to decide whether the Council should apply for a Rule 6 Status.

RESOLVED:

1. **That delegated powers be given to the Economic Development and Planning Committee to decide whether the Council should apply to use the Rule 6 Status in respect of the appeal, noting that any budget decisions should be considered in consultation with the Town Clerk and Chairman of Finance.**
2. **That the Town Clerk investigate hiring a professional advocate or Barrister to represent the Council at the appeal.**

C195.

CLIMATE EMERGENCY DECLARATION

Members of the public present at the meeting had been given the opportunity to speak at the beginning of the meeting in respect of this Item and Councillor Howells had thanked all members of the Extinction Rebellion and Sustainable Ledbury for their detailed speeches.

Councillor Harvey reassured members of the public that even though the Council were one of the last Parish Councils locally to declare a climate emergency, the issue was very important to the Council. She advised that Herefordshire Council are currently looking into ideas of how to tackle climate emergency and that she hoped members would not be disappointed when released in March 2020. Councillor Harvey also advised that if 10 or more Ledbury residents called a Parish Meeting on

Climate emergency, the council would have to follow this process and this could be a great opportunity for an open forum.

Councillor Harvey proposed that Ledbury Town Council declare a climate emergency, the outcome of which was a unanimous vote.

Councillor Vesma advised members that it would be beneficial for both members of Sustainable Ledbury & Extinction Rebellion to attend meetings in the future to work alongside the Council. **He proposed that a vote was taken to determine whether the council should create a Climate Change Working Party that it would be reported to the Economic Development & Planning Committee**

RESOLVED:

1. **That the Town Council declare a climate emergency.**
2. **That a Climate Emergency Working Party be formed with the following members, Councillor Vesma, Manns, Howells, Knight and Whattler.**
3. **That the Working Party be advertised on the Ledbury Town Council website and social media sites.**

C196. UPDATE ON COUNCILS WEBISTE

RESOLVED: that it be noted that a meeting of the ICT Working Party had been scheduled for 12 February 2020 for consideration of the council's new website.

C197. PAST MAYORS BADGERS

RESOLVED: that this item be deferred to the next meeting of the Finance, Policy and General Purposes Committee scheduled for 27 February 2020.

C198. RESOLVED:

That items 22 – 27 be considered as the first items of business on the agenda for the Full Council meeting scheduled for 5 March 2020.

C199. DATE OF THE NEXT MEETING

RESOLVED: that it be noted that the date of the next Full Council meeting is scheduled on 5 March 2020

C200. EXCLUSIION OF PUBLIC

RESOLVED: that in accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, in the public interest the press and public are excluded from the remainder of the meeting.

C201. RECOMMENDATIONS FROM OTHER COMMITTEES

- a. Resources Committee – 17 October 2019 – Review of Role of Post Holder 47

Members were provided with a job description in respect of post holder 47, which had been agreed with the post holder following a consultation period.

- b. Finance, Policy & General Purposes Committee – 23 January 2020 – Staffing Resources

Members were requested to give consideration to the following recommendations:

1. **That post holders 48 and 50 be offered the opportunity to increase their working hours from 30 to 37.5 hours per week.**
2. **That an organisational review be undertaken as detailed in order to establish the needs of the council in respect of staffing, and operational requirements.**

Members were advised that Post Holder 23 had also expressed an interest in full time hours.

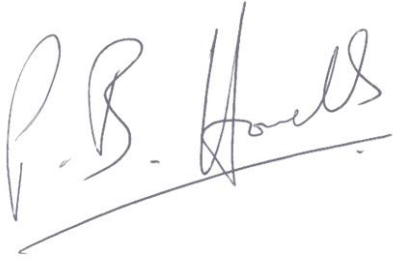
RESOLVED:

1. **That the job description provided in respect of post holder 47 be approved.**
2. **That the Clerk prepare a job description for an Assistant Groundsman/Town Cleaner and that this position be advertised, stating that the post is “subject to a staffing review”.**
3. **That post holders 23, 48 and 50 be offered full time hours.**
4. **That an organisational review be undertaken in order to establish the needs of the council in respect of staffing and operational requirements, such as committee structure, meeting schedule and the delegation of powers to Committees.**

The meeting closed at 10.00 pm

Signed

Dated: 5 March 2020

A handwritten signature in black ink, appearing to read "P. B. Howell". The signature is written in a cursive style and is underlined with a single horizontal line.