



## LEDBURY TOWN COUNCIL

### Minutes of Full Council Meeting held On Thursday 6<sup>th</sup> December 2018 In The Methodist Hall – Ledbury

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#### **PRESENT:**

**Chair of the Council;** N. Shields

**Deputy Council Chair:** J. Roberts

**Councillors:** D Baker; M Eakin; K Francis; A. Harrison;  
E Harvey; J. Hopkins; P Howells; A. Manns;  
N. Morris; A Warmington; D.Whattler;  
D-A Knight(late)

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

6 members of the public

#### **C191– 12.18 Apologies**

Apologies were received from Cllrs Bradford, Low and Vesma;

#### **C192– 12.18 Interests**

Cllr Shields declared a pecuniary interest in Item 9-4 – Health & Safety Issue

Cllr Harvey declared a pecuniary interest in Items 16 and 24 – Judicial Review - and 24 - Press Release re Judicial Review – and signed the register.

Cllr Francis declared a pecuniary interest in Items 16 and 24 – Judicial Review - and 24 - Press Release re Judicial Review – and signed the register.

Cllr Manns requested permission to not stand while addressing the meeting, which was granted by the Chair.

#### **C193– 12.18 Public Participation**

There were no requests to speak from the members of public attending the meeting.

**C194– 12.18 Presentation from Rev Phil Warrey – Superintendent Minister, the Methodist Church – Herefordshire (South & East)**

The Minister gave a brief outline of the history of the building and the need for a future home for its congregation and works. He explained that the building had been built in the mid-19<sup>th</sup> Century and had been experiencing problems with damp since the 1890s. It was decided in 2016 that it was no longer fit for purpose, as more effort was being put into maintaining the building than doing the work of the Church, and it has now been sold. With effect from January 2019 its congregation has no permanent home, and would welcome any suggestions for one – preferably in or near the centre of Ledbury.

The Chairman advised that there was a new Working Party reviewing the Neighbourhood Development Plan and invited the minister to attend a meeting of this group and discuss the issue.

**C195 - 12.18 Minutes of the Meeting of Full Council of 1st November 2018**

Cllr Howells requested an addendum to his comment re Item C172-11.18 (iii) noting that a discount rate had been negotiated for these costs.

**Proposal:** With the above amendment, the Minutes be approved as an accurate record of the Full Meeting of Ledbury Town Council held on 1<sup>st</sup> November 2018.

**Voting:** Agreed

**C196 - 12.18 Chairman's Report and Correspondence**

The Chair reported that the past month has been very busy. She attended the following events on behalf of the Council:

The reading of the Names of the Fallen at Hereford Cathedral; the Ledbury Town Firework Display; Services in connection with Armistice Day in Ledbury and Hereford; the Launch of the Bell Restoration Fund; The High Sherriff's Lecture; the Switch-On of the Ledbury Christmas Lights; a Civic Service in Hereford Cathedral for the presentation of the Queen's Award for Voluntary Service to the charity Vennture; the Light up a Life service for St Michael's Hospice.

There was no correspondence received during this period.

### **C197 - 12.18 Committee Matters: Economic Development & Planning Committee**

The Council received the Minutes of the meeting of the Economic Development and Planning Committee held on 8th November 2018.

Cllr Warmington, as Chair of this meeting, explained that there was nothing controversial in the matters discussed, although he highlighted the attendance by representatives from Gillings Planning and Frontier Estates in connection with proposals for providing a 66-bed care home on land between the Full Pitcher and Martins Way, which they outlined to the meeting, although no formal application for Planning Consent has yet been submitted.

He also noted a typographic error in the “In Attendance” note – where the letter “m” has been left out at the beginning of the word “member”

**Proposal:** With the typographic correction, the Minutes be approved as an accurate record of the Economic Development and Planning Committee held on 8<sup>th</sup> November 2018.

**Voting:** Agreed

### **C198– 12.18 Committee Matters: Environment & Leisure Committee**

The Council received the Minutes of the meeting of the Environment and Leisure Committee held on 15<sup>th</sup> November 2018.

Cllr Hopkins noted that the meeting was mainly concerned with updates on ongoing problems, although there had been a Vote Of Thanks for the Christmas Lights Committee for their Report and the Committee had received on the October Fair.

She highlighted the decision of the Committee to request funding in the amount of an additional £4,000 to provide a concrete base for the Youth Shelter on the Recreation Ground – Item E111 11-18 – which would make it more suitable for year-round use, and the reasons for the decision not to proceed with the suggestion to purchase a Splash Pool on the grounds of costs of running as well as purchasing this.

**Proposal:** The Council accept the Minutes as an accurate record of the meeting of the Environment and Leisure Committee held on 15<sup>th</sup> November 2018 and approve the request for additional funding for the Youth Shelter.

**Voting:** Agreed

**C199 - 12.18 Committee Matters: Finance & General Purposes Committee**

- i) Minutes of the Public Meeting held on 14<sup>th</sup> November 2018.

The Council received the Minutes of the Public Meeting held on 14<sup>th</sup> November 2018.

Cllr Howells asked for confirmation that the Power Point presentation referred to therein has been put up on the Town Council website.

This was confirmed by the Chair.

**Proposal:** The Council accept the Minutes as an accurate record of the Public Meeting held on 14<sup>th</sup> November 2018.

**Voting:** Agreed

- ii) Minutes of a Meeting of the Finance and General Purposes Committee held on 22<sup>nd</sup> November 2018

The Council received the Minutes of the Meeting of the Finance and General Purposes Committee held on 22<sup>nd</sup> November 2018.

Cllr Harrison explained that several items in this meeting – particularly with respect to the Council Budget for 2019/20 - had been held over from a previous meeting.

**Proposal:** The Council accept the Minutes as an accurate record of the Meeting of the Finance and General Purposes Committee held on 22<sup>nd</sup> November 2018 and agree to accept the Minutes and the Proposals therein.

**Voting:** Agreed

- iii) Minutes of an Extraordinary Meeting of the Finance and General Purposes Committee held on 29<sup>th</sup> November 2018

The Council received the Minutes of an Extraordinary Meeting of the Finance and General Purposes Committee held on 29<sup>th</sup> November 2018.

Cllr Warmington asked that the list of apologies be amended to include his name.

**Proposal:** With the above amendment to the list of apologies, the Council accept the Minutes as an accurate record of the Extraordinary Meeting of the Finance and General Purposes Committee held on 29<sup>th</sup> November 2018.

**Voting:** Agreed

- iv) Health and Safety Issue – Payment to Cllr Shields following a fall in the Council Offices

Cllr Shields left the meeting for this item, and Cllr Roberts chaired the discussion.

The Council considered a request for payment of £57 of osteopath fees for Cllr Shields resulting from a fall in the Council Offices in October. It was confirmed that this was a one-off payment, as no further treatment was expected to be necessary.

**Proposal:** The Council accept the request from Cllr Shields and authorise payment as stated.

**Voting:** Agreed unanimously

Cllr Shields rejoined the meeting.

- v) Additional Extraordinary Meeting of the Finance and General Purposes Committee to be held on 12<sup>th</sup> December 2018

The Council noted that an Additional Extraordinary Meeting of the Finance and General Purposes Committee will be held on 12<sup>th</sup> December 2018.

#### **C200 - 12.18 Committee Matters: Standing Committee**

The Council received the Minutes of the Meeting of the Standing Committee held on 29<sup>th</sup> November 2018.

Cllr Harvey pointed out that the Minutes of the Meeting of the Standing Committee of 20<sup>th</sup> September 2018 should have noted that she pointed out that the minutes of the Standing Committee on 25<sup>th</sup> July 2018 should have noted that she left the meeting during the discussion of the Judicial Review.

**Proposal:** With the above amendment, the Council accept the Minutes as an accurate record of the Meeting of the Standing Committee held on 29<sup>th</sup> November 2018.

**Voting:** Agreed

#### **C201 - 12.18 Judicial Review – brought forward on Agenda at the Request of Cllr Manns**

Cllrs Francis and Harvey left the meeting for the discussion of this matter.

Cllr Manns wished to raise a number of questions that had been put to him by members of the public. He asked that he be permitted to read the questions to the meeting, but that a written answer to these questions should be supplied. This was agreed, with the caveat that Cllr Shields would respond for the benefit of the members of the public present where she was able to do so.

The questions were:

1. How much money has been paid out by the Council in connection with the Judicial Review.
2. How has this money been paid, to whom, and what procedures had been followed when making the payments.
3. In particular why had Cllr Manns signed a cheque which had then been stopped and the payment made by bank transfer.
4. How many Councillors wrote letters of support for the Judicial Review and did they identify themselves as councillors or private individuals.
5. Who is authorising the press releases that are being issued
6. Why are interests not being declared by councillors when items are discussed.

G. Rippon – Clerk to the meeting – pointed out with reference to point 6 that it is between councillors and their consciences whether they declare a non-pecuniary interest, but that not declaring a pecuniary (financial) interest is a criminal offence.

Cllr Shields – as chair of the meeting then responded as follows:

1. From memory approximately £217,000 has been paid out.
2. These payments have been made to solicitors, not claimants; this is the standard procedure in respect of legal costs claimed. All payments are now agreed first by the Finance and General Purposes and then confirmed by Full Council. The Council cannot guarantee the procedures for payments prior to 24<sup>th</sup> May 2018
3. The cheque that was stopped was drawn before the full procedures had been completed; by the time this had happened, there was insufficient time for a cheque payment to be made before interest began to accrue, therefore payment was made by Bank Transfer and the cheque was stopped.
4. She was unable to comment on letters written in respect of the Judicial Review.
5. Press releases or statements are issued in response to requests for information from the press.

Cllr Manns commented that it would appear that information not generally in the public domain is being “leaked” by someone.

Cllr Howells pointed out that payments made since August 2017 are available on the Council’s website, which shows payments from then to date made to 2 firms of solicitors totalling £196,000.

The Chair then added – for the benefit of the public present – that the Council has recently appointed a solicitor to examine the papers available to the Council and advise whether it will be cost effective to take action to recover any part of the costs incurred from organisations or individuals involved in taking the case through the courts.

Cllr Howells expressed concern about some of the wording in the most recent press statement issued, which he would feel uncomfortable about endorsing.

Cllr Manns agreed.

Cllrs Francis and Harvey rejoined the meeting

*Note:*

*Following detailed discussion in closed session later in the meeting it was proposed that “Subject to legal advice as to when to do so the Council will make public invoices and exempt meeting minutes relating to the Judicial Review (from 2016 to date)”.*

*The proposal was agreed.*

Councillor Manns left the meeting at this time (20.35), asking for his apologies for leaving early be recorded, and Cllr Knight arrived late.

## **C202 - 12.18 Budget and Precept 2019-20**

The Council received the recommendation of the Extraordinary Meeting of the Finance and General Purposes Committee held on 29<sup>th</sup> November 2018.

The recommendation is for an increase of 27% in the LTC precept re Council Tax – this would equate to £29 per year for an average Band D home – the normal measure used when comparing Council Tax costs.

Cllr Eakin asked, in view of the comments in the Minutes of the Public Meeting of 14<sup>th</sup> November, is this the only way to bring the Council Finances into order.

Cllr Harrison pointed out that of the 11 members of the public present at the Public Meeting on 14<sup>th</sup> November, only one person voiced concerns about the actual amount of the proposed increase in the Ledbury Town Council precept element of Council Tax; most accepted that this had “fallen behind” inflation in recent years.

Cllr Baker noted that the closing date for written comments was at the beginning of the current week (w/b 3<sup>rd</sup> December) and no responses had been received.

Cllr Howells commented that most of the increase was most of the increase was to accommodate inflation and in addition to ensure some rebuilding of the council's reserves to a level that was actually still lower than they had been 3 years ago.

**Proposal:** The Council approves an increase in the LTC Precept element of Council Tax of 27%

**Voting:**

In favour: Cllrs Eakin; Harrison; Harvey; Hopkins; Howells; Knight; Morris; Shields; Warmington; Whattler

Against: Cllr Roberts

Abstentions: Cllrs Baker; Francis

Agreed

*Point of Order:*

*Cllr Eakins proposed that the requirement under Standing Orders for Speakers to stand when addressing Council be suspended. This proposal was seconded by Cllr Roberts.*

*He further proposed an Agenda Item that this requirement be removed from Standing Orders be included for the next meeting. It was pointed out that this was outside the remit of this meeting, but that the matter could be referred to the Democratic Working Party for consideration and recommendations*

*The proposal was agreed.*



### **C203 - 12.18 New Website**

Cllr Hopkins presented the Website Tender Evaluation document to the meeting, with the recommendation that the Tender from Avansys be accepted.

Cllr Howells asked if there was any indication of the timescale for the new website to be up and running. Cllr Hopkins responded that because of the delay in confirming the Contract it would be necessary to get a revised schedule from Avansys.

Cllr Howells then asked if the Cllrs elected in August could be added to the current website as a matter of urgency, which Cllr Hopkins agreed to arrange.

**Proposal:** The Council accepts the Tender from Avansys for the provision of a new Website for Ledbury Town Council

**Voting:** Agreed

### **C204 - 12.18 Audits**

The Temporary Clerk confirmed that from eight invitations sent out two enquiries have been received for the External Audit; quotes, when received, will be sent to the Finance and General Purposes Committee for consideration and recommendations.

### **C205 – 12.18 Recruitment Update**

i) Town Clerk

The Temporary Clerk informed the meeting that it had not been possible to appoint anyone to this position following the interviews on 14<sup>th</sup> November. The post has been readvertised and so far there have been a further 2 applications.

ii) Groundsman

This post will be readvertised in the New Year.

### **C206 – 12.18 Neighbourhood Development Plan Update**

The Chair noted that the public vote on the draft plan was being held on the day of this meeting.

The first meeting of the Working Party has been held, with a view to identifying the areas needing to be strengthened. A meeting with Sam Banks from HC has been arranged for 10<sup>th</sup> December. Following this meeting the Chair was hopeful that a timescale for amendments would be clear. She commented that it was important to wait for the advice from Sam Banks before making any further decisions.

## **C207 - 12.18 Herefordshire Councillors' Reports**

### **i) Cllr Harvey**

Cllr Harvey reported that the proposed County Council Budget has passed the first round of consideration, and will go to Cabinet in January 2019. There were few questions raised.

Included in the Budget is consideration of a consultation on gypsy/traveller sites in the County and a possible new University in Hereford.

She commented that some Cabinet meetings are being cancelled and decisions are being made by officers instead.

### **ii) Cllr Warmington**

Cllr Warmington noted that the proposed County Council Budget also includes consideration of mixed use development at the Youth Centre, which might be beneficial to the town

At this point the time was noted, and Cllr Baker proposed deferring items 18 (Outside Bodies) and 20 (General Correspondence) This was agreed.

## **C208 - 12.18 Notice of Motion**

To consider a Notice of Motion regarding improving communication with residents, proposed by Cllr Harvey.

Cllr Harvey opened by apologising for using this procedure to raise this matter rather than taking it to any of the Committees, but she felt it to be sufficiently urgent to justify this. Her proposal is based on points set out in the 2016 Town Plan which have not yet been implemented.

Her proposal is that the Council adopts the following motion:

This Council resolves THAT:

- We SHALL build on the progress we have already made in improving communication with local residents by producing a trial Newsletter in January.
- We SHALL make the newsletter available through a variety of different means, e.g. online, by email and in hard copy at a range of willing local community buildings.
- We SHALL set up a Communication Task & Finish Group to evaluate the success of trial edition and to make recommendations on options for future editions and for improving the use of current and additional communication mechanisms.

Cllr Hopkins pointed out that the Council could not distribute this via email or collect email addresses from residents without prior consent as this would be in breach of the recently enacted GDPR. She proposed deleting the word “email” from the motion.

Cllr Baker commented that many people would be unable to collect copies from “local community buildings” and it was agreed to amend this to “willing outlets”.

Cllr Shields asked for volunteers to prepare the newsletter. Cllrs Harvey, Knight and Morris volunteered to do this.

**Proposal:** With the amendments as set out above, the Council accepts the motion proposed by Cllr Harvey.

**Voting:** Agreed

#### **C209 - 12.18 Date of Next Meeting:**

The date of the next meeting of the Full Council was confirmed as Thursday 31<sup>st</sup> January 2019.

#### **C210 - 012.18 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.*

Cllrs Francis and Harvey left the meeting at this point (21.10).

\* \* \*

The meeting following the closed session closed at 9.40pm

CHAIRMAN ..... DATE .....