

**LEDBURY TOWN COUNCIL
MINUTES OF A MEETING OF FULL COUNCIL
HELD ON 29 JUNE 2023**

PRESENT: Councillors Chowns, Eakin, Harvey, Howells, Hughes, l'Anson (Chair), Morris and Sinclair

ALSO PRESENT: Angela Price – Town Clerk
Charlotte Barltrop – Minute Taker
Julia Lawrence – Deputy Town Clerk
Stef Simmons – Ledbury South Ward Councillor
Justine Peberdy – Ledbury West Ward Councillor
Clive Jupp and Al Braithwaite (Ledbury Places)

C23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bradford.

C24 DECLARATIONS OF INTERESTS

No declarations of interest were received.

C25. TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF FULL COUNCIL HELD ON 25 MAY 2023

Councillor Harvey stated that she had issues that she would like to raise in respect of the minutes but felt that they would be better discussed in closed session, however, she suggested that they be considered towards the beginning of the agenda rather than at the end of the agenda. Councillor Harvey proposed that the minutes be discussed at the front end of the minutes section after agenda Item 7. This proposal was seconded by Councillor Hughes.

RESOLVED

That the minutes of the meeting of Full Council be moved to follow agenda item 7.

C26. HEREFORDSHIRE COUNCILLORS' REPORTS

To receive reports from Ledbury Ward Members:

- i. Councillor Harvey
- ii. Councillor Peberdy
- iii. Councillor Simmons

Councillor Howells made reference to McCarthy Stone, which had been raised in Councillor Harvey's Ward Report. He advised that he would be willing to attend the meeting to make representations on behalf of Ledbury Town Council.

RESOLVED:

- 1. That the Ward Councillor's reports be received with thanks.**
- 2. That Councillor Howells represent Ledbury Town Council at the forthcoming Committee meeting to review the McCarthy Stone planning application.**

C27. MAYORS COMMUNICATIONS

The Mayor advised Members of events that she had attended since the last Full Council meeting.

RESOLVED:

That the Mayor's Communications be received and noted.

C28. TO CONSIDER QUESTIONS/COMMENTS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 3(E) AND 3(F)

Clive Jupp spoke regarding the Town Clock, which was included on the agenda (Item 14) and also expressed a wish to re-establish contact with the Council.

Clive advised that Ledbury Town Council were one of the founding Members of Ledbury Places. He reminded Members that originally Ledbury Places were set up to look at six buildings in the town which included the Council Offices and the Market House. However, due to not getting funding, this project had not been progressed.

Ledbury Places had written to Ledbury Town Council to appeal to them to reconsider their previous decision to cease paying the electricity bill for the town clock and Clive was at the meeting in support of the request as a Member of Ledbury Places. He advised that the reason for appealing the council's decision due to funding issues in relation to the buildings that Ledbury Places currently own.

Al Braithwaite added that there are a lot of opportunities for Ledbury Places to work with other organisations within the town and they will continue to do so.

C29. Councillor Sinclair proposed that Item 14 be brought forward to be considered whilst members of Ledbury Places were present to avoid them having to wait until later in the meeting.

RESOLVED

That item 14 be brought forward in the Agenda.

C30. TOWN CLOCK – APPEAL FROM LEDBURY PLACES FOR COUNCIL TO RECONSIDER THEIR DECISION TO NOT PAY FOR THE ELECTRICITY TO THE TOWN CLOCK

It was proposed that the decision not to pay for the electricity for the Town Clock be reversed.

The Clerk informed the meeting that the cost of the electricity in 2022/23 had been £169.00 for five months. She advised Members that when the Council had been responsible for the costs they had not been able to switch from British Gas, due to the size of the account, but noted that Ledbury Places had advised that they had now switched to an alternative supplier, who were offering a better rate than previously, which in turn indicated a reduction from approximately £1,200 per annum to £500.

Councillor Harvey reminded Councillors that previously the Council had paid for repairs to the Clock and hoped that this would also be included in any reversal of the decision.

Councillor Howells suggested the Council re-establish a representative on Ledbury Places. Clive advised that he is still down as the Council's representative, even though he had not been a councillor for some considerable time. Councillor Harvey advised that she would be willing to be the council's representative.

RESOLVED

- 1. That the decision taken by Ledbury Town Council to not fund the Town Clock be reversed and that any payment should be backdated to pay for the outstanding period and include any repairs to the clock in future.**
- 2. That Councillor Harvey represent the Council on Ledbury Places.**

Clive Jupp and Al Braithwaite left the meeting and on leaving they advised Members that they would be happy to show them around their buildings any time.

C31. TO RECEIVE MOTIONS PRESENTED BY COUNCILLORS IN ACCORDANCE WITH STANDING ORDER 9

Motion received from Councillor Sinclair:

“That Ledbury Town Council give consideration to cancelling the John Masefield Memorial Project for the following reasons:

- Ledbury Town Council neither has the resources nor the expertise to undertake this project to its full potential

2. It is not a good idea to fund a project of this nature, given the financial situation that many families are finding themselves in at this time”

Councillor Sinclair questioned why Ledbury Town Council are attempting to reinvent the wheel with this project when there is already a commemorative plaque for John Masefield in Cheltenham.

Councillor Morris stated that he was surprised by the motion as the Councillor seemed to be ill informed regarding the project. The John Masefield Memorial project is a 5-year project which is seeking Heritage Lottery funding and funding from other sources and that the form which the memorial will take has not yet been discussed. He invited Councillor Sinclair to attend future meetings of the Working Party, noting that Councillor Sinclair had been invited to attend a previous meeting but had declined.

There was a short debate regarding the motion with members offering support to the project as a celebration of John Masefield and a way to raise the profile of Ledbury within the tourist industry.

RESOLVED

That Councillor Sinclair withdrew the motion.

C32. EXCLUSION OF PRESS AND PUBLIC

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, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting.

RESOLVED:

Members of the public left the meeting.

C33. TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF FULL COUNCIL HELD ON 25 MAY 2023

Councillor Hughes asked for clarification in respect of minute no. C4, in particular the phrase “development of highway engineering solutions” as he did not recognise this or understand what it meant. He was concerned that the minute did not accurately reflect what had been said at the meeting. He recalled that the comments were noted but felt that there was no element of frustration being expressed at the meeting. He stated that it had not been the intention of the discussion to seek to disrupt anything that had gone on before in relation to resident parking issues.

Councillor Chowns felt that the phrase “development of highway engineering solutions” was a euphemism for making residents pay for parking outside their houses, and that it was his impression that the issue being objected to was the likelihood of some of the streets in the town being made subject to this type of

regulation and that none of those at the meeting had been in favour of this, indeed some were totally against it, and therefore felt that disappointment was about this rather than Councillor Harvey's report.

Councillor Harvey stated that this was the phrase which she had used in her Ward Report and was in reference to solutions which were available other than a residents' parking zone. She informed members that Highway Engineers were investigating solutions to the parking problems, which would not necessarily result in resident parking zones being introduced that may be better suited to the areas in question.

Councillor Harvey stated that her issue with the minutes related to minute no. C16(ii) which reported on the debate around the report which Councillor Sinclair put forward regarding the War Memorial and concerns that he had consistently been voicing with regard over payments that had been made.

She advised that she was concerned on a number of fronts and made reference to an email that she had sent prior to the meeting, which follows on from having been forwarded the email that Councillor Sinclair had sent from his Town Council account on behalf of the Town Council, following the resolution of minute no. C16 (ii)(3), which authorised him to act on the Town Councils behalf in this matter.

Councillor Harvey outlined her concerns to Members stating that she did not consider the report agreed upon at the meeting in May represented the information Councillor Sinclair had subsequently provided to the Police, and the information sent contained information that fell outside of the authority granted.

Councillor Harvey drew Members attention to the content of her email, in particular the proposals that she had suggested within, which she stated she was happy to read out in full if that's the appropriate way to deal with this.

Councillor l'Anson enquired as to whether the members had read Councillor Harvey's email. Members advised that they had and therefore it was decided that she need not read it in the meeting but that the proposals made in the email would be included within the minutes of the meeting.

Councillor Sinclair advised that he had responded to Councillor Harvey's email, in which he had countered each of her points. He continued to state information that he had previously brought to Council's attention, which Councillor l'Anson pointed out that it was not necessary for this to be repeated.

Councillor Harvey pointed out that the concerns being raised at the meeting were not in relation to the work to the War Memorial, advising that it was about Councillor Sinclair's behaviour in respect of the information that Councillor Sinclair had provided to the Police.

Councillor Harvey reminded Members that it is not appropriate for an individual Councillor to be given authority to undertake something that is within the remit of the Proper Officer, such as this, and pointed out that the Clerk should have

been instructed to carry out this task on behalf of the Council. She advised that the action taken by those Members giving Councillor Sinclair the authority to do this, and the content of the information provided to the Police, could potentially put the Council in a position which could result in legal action being taken against the Council.

Councillor Chowns expressed his regret for his part in granting the authority to Councillor Sinclair, outlining his reasons for having voted for it at the time, noting that it now emerges that not all information was made available to Members at that meeting of which Councillor Sinclair intended to forward to the Police. In light of this he proposed that the Council should step back from this as Councillor Harvey suggested in her email.

Councillor Sinclair spoke on the matter further giving his reasons for pursuing the matter in the manner that he had.

Further discussion took place whereby Councillor Howells also expressed his concerns over the issues raised by Councillor Harvey. During the debate Councillor Hughes advised that he wished to mirror some of Councillor Chowns' comments. He stated that had it been disclosed to him and other Members what was to be referred to the Police, he would not have proposed that authorisation be given to Councillor Sinclair to approach the Police on the Council's behalf. He advised that in hindsight he agrees that all approaches of this sort should be made by the Proper Officer and not a Councillor and apologised for his naivety in this matter.

Councillor Harvey stated that the proposals in her email stem from the decision to authorise Councillor Sinclair and the actions that he had taken as a consequence of that, suggesting that where the Council go from there is for other meetings to consider. However, to ensure the Council stay within the accuracy of the minutes and matters arising from them in what is being discussed she proposed that Council rescind the authority granted to Councillor Sinclair along with the following proposals:

- That council suspend standing orders to rescind the authority granted to Councillor Sinclair to act on behalf of the council with immediate effect.
- That the Clerk be instructed to seek the necessary legal advice as regards the extent of the binding undertaking already made with The Stone Workshop.
- That the Clerk be instructed to write to Ms Willats to withdraw the complaint submitted by Councillor Sinclair pending receipt and consideration of the above legal advice.
- That Councillor Sinclair's actions be referred to the Resources Committee for consideration as regards a breach of the Councillor Code of Conduct.
- That Councillor Sinclair be asked to provide a written and public apology to councillors regarding his repeated and unsubstantiated allegations of fraud and criminal activity.

- That Councillor Sinclair be asked to make a written and private apology to the Clerk regarding his repeated and unsubstantiated allegations of fraud and criminal activity.

Councillor Chowns seconded all of the above proposals.

Councillor Sinclair stated that this was not an item on the agenda, and therefore it could not be voted on at this meeting.

The Clerk advised that it could be voted on, explaining that as this was an item within the minutes of the previous meeting which were on the agenda for approval at this meeting it was acceptable to discuss and make resolutions on matters arising from those minutes.

Councillor Sinclair expressed his disbelief at what had been discussed at the meeting and left the meeting.

Councillor Sinclair left the meeting at 8.06pm.

The meeting was adjourned for a period of 5 minutes.

RESOLVED:

- 1. That the minutes of the meeting of Full Council held on 25 May 2023 be received and noted as a correct record.**
- 2. That council suspend standing orders in order rescind the authority granted to Councillor Sinclair to act on behalf of the council with immediate effect.**
- 3. That the Clerk be instructed to seek the necessary legal advice as regards the extent of the binding undertaking already made with The Stone Workshop.**
- 4. That the Clerk be instructed to write to Ms Willats to withdraw the complaint submitted by Councillor Sinclair pending receipt and consideration of the above legal advice.**
- 5. That Councillor Sinclair's actions be referred to the Resources Committee for consideration as regards a breach of the Councillor Code of Conduct.**
- 6. That Councillor Sinclair be asked to provide a written and public apology to councillors regarding his repeated and unsubstantiated allegations of fraud and criminal activity.**
- 7. That Councillor Sinclair be asked to make a written and private apology to The Clerk regarding his repeated and unsubstantiated allegations of fraud and criminal activity.**

C34. CLOSURE OF CONFIDENTIAL SESSION

It was proposed that the meeting revert to an open session.

RESOLVED

That the meeting be re-opened to members of the public.

C35. TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE FINANCE, POLICY & GENERAL PURPOSES COMMITTEE HELD ON 1 JUNE 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

Members were advised that Minute No. F10.2. should be corrected to read “That the Policies considered at the Finance, Policy & General Purposes Committee held on 23 March 2023 be submitted to a meeting of Full Council.”

RESOLVED

That the minutes of the meeting of Finance, Policy & General Purposes Committee held on 1 June 2023 be received and noted subject to the following amendment and noting that the Annual Governance Accountability Return 2022/23 will be discussed at agenda item 13.

That Minute No. F10.2. should be corrected to read “That the Policies considered at the Finance, Policy & General Purposes Committee held on 23 March 2023 be submitted to a meeting of Full Council.”

C36. TO RECEIVE AND NOTE THE MINUTES OF MEETINGS OF THE PLANNING, ECONOMY & TOURISM COMMITTEE HELD ON 18 MAY AND 8 JUNE 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

Members were advised that minute no. P29 should have been recorded as a “Resolution” and not as a “Recommendation”.

RESOLVED

That the minutes of the meetings of Planning, Economy and Tourism Committee held on 18 May and 8 June 2023 be received and noted subject to the following amendment:

Minute P29 be amended to state “Resolution” and not “Recommendation”.

C37. TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE ENVIRONMENT & LEISURE COMMITTEE HELD ON 15 JUNE 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

RESOLVED

1. That the minutes of a meeting of the Environment & Leisure Committee held on 15 June 2023 be received and noted subject to the following amendments:
 - i. Minute P29 be amended to state “Resolution” and not “Recommendation”.
 - ii. That minute E10 be amended to state “Recommendation” and not “Resolution”.
2. That the recommendation to set a £1,000 budget for advertising events in minute E6 not be agreed.
3. That Ledbury Town Council makes an insurance claim for the stolen items of garden machinery equipment and works required following the break in at the Cemetery.

C38. TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE JOHN MASEFIELD MEMORIAL WORKING PARTY HELD ON 9 JUNE 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

Members discussed the requirement for a new Project Manager to be appointed to the John Masefield Memorial Project. Councillor Morris stated that this was not necessary at this juncture as a new member of the Working Party had offered support with applying for funding, however this may need to be revisited at a future date.

RESOLVED

1. That the minutes of the meeting of the John Masefield Memorial Working Party held on 9 June 2023 be received and noted.
2. That Full Council agreed in principle to a new Project Manager being appointed to the John Masefield Memorial Project should they be required.

C39. TO RECEIVE INVOICES FOR PAYMENT (JUNE FINAL)

RESOLVED

That the invoices for Payment for June be approved for payment in the sum of £35,168.97 plus VAT.

C40. ANNUAL GOVERNANCE ACCOUNTABILITY RETURN 2022/23

RESOLVED

1. That Members received and noted the Internal Auditor Report and approved the responses provided by the RFO in the comments box of the Internal Auditors Observations, which will be referred back to the Internal Auditor.
2. That Members noted the resolutions made by the Finance, Policy & General Purposes Committee at its meeting on 1 June 2023, in relation to the Annual Governance Accountability Return 2022/23.
3. That Members approved Section 2 – The Statement of Accounts as agreed at the Finance, Policy and General Purposes Committee held on 1 June 2023.
4. That Members completed Section 1 – Annual Governance Statement for 2022/23 noting the comment from the internal auditor that they should return a negative response in respect of Assertion 3.
5. That the Town Mayor be authorised to sign Section 2 – Accounting Statements 2022/23 accordingly.
6. That the publication of the Notice of Public Rights and Publication of Unaudited Annual Governance & Accountability Return be approved.
7. That the Town Mayor be authorised to sign the Statement of Internal Control prior to its submission to the External Auditor.
8. That the Clerk be instructed to submit the Annual Governance & Accountability Return and associated documents to the Council's external auditors, PKF Littlejohn in line with the requirements of the Accounts and Audit Regulations (2015).

C41. SUSPENSION OF STANDING ORDER 3(x)

RESOLVED:

To suspend Standing Order 3(x) for a period of twenty minutes to consider how to manage the remaining agenda items.

C42. OUTSIDE BODIES

- i. Ledbury & District Civic Society – to agree representative.
- ii. Confirmation from Ledbury in Bloom of Membership

RESOLVED:

- 1. That Councillor Harvey be elected to represent Ledbury Town Council at the Ledbury & District Civic Society meetings.**
- 2. That the membership confirmation from Ledbury in Bloom be received and noted.**

C43. POLICIES

To approve the following policies, which have been reviewed by Citation and approved:

- i. Disciplinary**
- ii. Grievance**
- iii. Capability**
- iv. Concerns & Complaints**
- v. Vexatious complaints**

RESOLVED

That the policies be approved, subject to final proof reading prior to circulation to staff.

C44. ST KATHERINE'S SQUARE USAGE PROPOSALS – SCHEDULE OF EVENTS

Councillor Harvey stated that the reason for this request is that Herefordshire Council would like to prepare the licence agreements whilst the landscaping work is being undertaken in order that proper agreements are in place for anyone wishing to rent the renovated space. Councillor Harvey also advised that she had discussed whether the area could be considered as a Community Asset Transfer in the future.

- The sort of uses to which these spaces are currently put include:
- Open air market stalls – infrequent/exceptional overspill from St Katherine's Hall traders and from The Barn farmers' market
- The Ledbury Celebration – market stalls, outside seating and eating areas, performance, and sound stage space
- Ledbury Carnival – market and food and drink stalls, small fairground rides and bouncy castle
- October Mop Fair – small and large fairground rides, food and drink stalls, Bouncy castles
- Remembrance Day – assembly point for parade participants
- Romanian Church – uses St Katherine's Hall but also has social events which overspill into the surrounding area – outside seating, children's play space.
- Mobile Banks – Barclays, Lloyds and NatWest mobile bank wagons park up in area B

- Christmas Lights Switch On Event
- Regular extended trading area for The Barn
- Performance space for outside live music and/or theatre events both stand-alone, and linked to St Katherine's and/or The Master's House
- Regular weekday and weekend markets – held off-road, rather than as at present by TRO permission on the highway in The High Street

RESOLVED:

That the Clerk responds to Herefordshire Council officers in relation to their request on possible uses for the area behind St Katherine's Hall and the Master's House and Barn and that the bullet pointed uses be included within the response.

C45. EMAIL RECEIVED FROM MCCARTHY STONE RE PROPOSALS FOR LEDBURY

Councillor Harvey informed members that the meeting that the Deputy Clerk had arranged to take place on Monday, 26 June 2023, had not taken place although there had been a response to the latest plans by Herefordshire Council.

Members expressed concerns that this development does not include affordable housing but appears to be a retirement complex for people that are looking to downsize. Members stated that affordable housing is more important to Ledbury than the proposed type of development and that the County Council should challenge these plans due to their 40% affordable housing requirement for new developments.

Members stated that the NDP had not been referred to during the planning of this development as the plan shows 4 story buildings, noting that the NDP states 3 stories or below. It was also stated that the development was not in keeping with the look of the existing buildings in Ledbury.

It was suggested that this item be added to the Agenda for the meeting of the Planning, Economy & Tourism Committee meeting which is to be held on 13 July 2023.

RESOLVED:

That this item be sent to the Planning, Economy & Tourism meeting, to be held on 13 July 2023, for consideration.

C46. EVENTS WORKING PARTY TERMS OF REFERENCE

RESOLVED:

That the Events Working Party Terms of Reference be approved.

Councillor Eakin left the meeting at 9.00pm.

C47. SUSPENSION OF STANDING ORDER 3(x)

RESOLVED:

To suspend Standing Order 3(x) for a period of ten minutes to consider how to manage the remaining agenda items.

C48. UPDATE ON CO-OPTION

The Town Clerk advised that there are 3 candidates which she is aware of who would like to be considered for co-option onto Ledbury Town Council. Councillor l'Anson informed the meeting that she knew of an additional candidate.

RESOLVED:

That the Clerk set a date for an Extraordinary meeting of Full Council for the purpose of the co-option process.

C49. DATE OF NEXT MEETING

RESOLVED:

That the next meeting of Full Council will be the Annual Council Meeting scheduled for 3 August 2023.

C50. EXCLUSION OF PRESS AND 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, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting

C51. OUTCOME OF JOB REVIEW OF POST HOLDER 50

RESOLVED:

That this item be referred to a meeting of Resources for further consideration.

The meeting ended at 9:30pm

Signed Date
(Town Mayor)

