

LEDBURY TOWN COUNCIL

**MINUTES OF A FULL COUNCIL COMMITTEE HELD ON
3 FEBRUARY 2022**

PRESENT: Councillors Bannister, Bradford, Chowns, Eakin, Harvey, Howells, Hughes, Knight, Sinclair, Troy, and Whattler.

ALSO PRESENT: Angela Price – Town Clerk
Julia Lawrence – Deputy Town Clerk
Amy Howells – Minute Taker

C494 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Manns.

C495 DECLARATIONS OF INTEREST

Councillor Sinclair declared a personal interest in Agenda Item 27 – War Memorial due to having attended the recent protest at the premises of The Stone Workshop.

C496 TO RECEIVE AND NOTE THE NOLAN PRINCIPLES

Councillor Sinclair raised concerns in relation to comments made by Councillor Harvey via email. Councillor Howells advised that Councillor Sinclair's concerns were noted.

RESOLVED:

That the Nolan Principles be received and noted.

**C497 TO APPROVE AND SIGN THE MINUTES OF A MEETING OF AN
EXTRAORDINARY MEETING OF COUNCIL HELD ON 6 JANUARY 2022**

RESOLVED:

That the minutes of a meeting of the Extraordinary meeting of Council be approved and signed as a correct record subject to the following amendment:

- **C492 be amended to read as follows:**

“Councillor Bradford asked why Red Kite Solicitors had been chosen to represent the council and asked whether they had the relevant expertise.

C498 HEREFORDSHIRE COUNCILLOR WARD REPORTS

All three Ward Members reports had been circulated prior to the meeting and it was agreed that it was not necessary to read the reports out.

RESOLVED:

That the Herefordshire Councillors Ward reports be received and noted.

C499 TO CONSIDER QUESTIONS/COMMENTS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 3(E) AND 3 (F)

The chair reminded the public that the time permitted for public participation was 15 minutes as per the Council's Standing Orders. He briefed the public on how the Council had been instructed by their solicitors to not comment publicly on the matter of the War Memorial due to the ongoing legal case

Mrs Crowe noted the item on the agenda of Exclusion of Press and Public and asked if the Council could vote against excluding the members of public from items 24 & 25 and to bring them forward in the meeting.

The Chair said that legal advice being given by the Council's Solicitors should not discuss certain matters in relation to the War Memorial in open session due to the confidential nature of the business to be discussed. Councillor Sinclair disagreed and said he did not believe there was any information that could not be shared. He proposed that the council include the members of the public in the discussions for transparency, Councillor Knight seconded this. Councillor Knight stated she agreed with Councillor Sinclair and said she believes that there should be honesty and transparency with the public.

Councillor Howells advised that the Council would be compromising their position if they discussed this matter in open session.

Councillor Howells asked Councillors to vote on whether to bring agenda item 26 forward for discussion in open session.

FOR : (3)

Councillors Hughes, Knight and Sinclair

AGAINST: (4)

Councillors Eakin, Harvey, Howells and Whattler

ABSTENSIONS:(1)

Councillor Bradford

Councillor Harvey noted that there were items on the agenda that had not been considered at the Council meeting in December and believed these should be considered prior to any other business being considered. She also reminded

Members that the last time council failed to follow legal advice it cost the Council £250,000 of public money.

Mr Ellis had stated that he did not feel the reply he had received earlier in the day answered all his questions and asked why the Caroe report had not yet been placed in the public domain. Councillor Howells advised that the Caroe report had stated “not for wider circulation” at the time of its preparation and that the Clerk had contacted them to ask whether it would be possible to release the report. Caroe had advised that they did not object to their report being released, however the Council should seek advice from their solicitors in case it was felt that the release of the report may have an effect on the current legal case. The advice received from the Council’s Solicitors was that the Council should not release the report to the public at this stage due to the ongoing legal case. Steve Ellis asked if he could be sent a copy of the email from the solicitors giving this advice.

Steve Ellis asked the Council the following questions, which were in response to the email he had received earlier that day:

1. Why were no checks made by Ledbury Town Council on whether the contractor applied for a footpath closure or applied for a Severn Trent Water?
2. Why did Ledbury Town Council allow the project to start, continue or finish without a single statement or risk assessment from the Stone Workshop in place before work commenced and approved by a competent person?
3. It is quite obvious that the Stone Workshop do not have the financial ability to pay for any future works on the war memorial or have any assets that can be taken and used to cover any of Mr Heaton’s donation or money that has been paid to solicitors or consultants, this money will have to be found by our Town Council using public money. So, isn’t it time to let the public know the absolute truth about what has happened?
4. Do you know under Section 50 of the street works act that a contractor has to have at least £5 million public liability insurance in place? Should the Stone Workshop have that? Do the Council have proof from them that they have this in place? And can this be emailed to Mr Ellis.

Councillor Howells responded that all questions had been noted.

Mr Warmington stated that it had cost Ledbury Town Council big when they had not listened to legal advice in the past, Pointing out that Item 9 of the agenda was the final report on a legal case involving Councillor Harvey and others former Councillors and he requested respect be paid to Councillor Harvey on what she had gone through at that time.

Nick Bryant stated that he takes exception to the Council saying they have not made mistakes and stated that it is his belief that the Council did not follow CDM regulations, which was, in his opinion, required by law. He also added that he did not believe that Health and safety at work had been followed.

Councillor Howells thanked the public for their questions reminding Members of the public that the Council were not able to discuss this matter in the public domain at this time.

Councillor Knight proposed to move item 18 forward Councillor Chowns seconded this.

RESOLVED:

- 1. That the vote to bring Agenda Item 27 forward to be discussed in open session be LOST.**
- 2. That the Clerk email Mr Ellis correspondence between the Council and Solicitor regarding if the Caroe report should be shared, subject to permission be given by the solicitor.**

Councillor Sinclair advised that he did not feel able to remain in the meeting due to the decision not to allow the War Memorial to be discussed in open session and left the meeting at 7:35pm.

Councillor Harvey noted from her previous comment that the Council should continue to item 7, Councillor Howells agreed and brought the item back.

C500 TO RECEIVE MOTIONS PRESENTED BY COUNCILLORS IN ACCORDANCE WITH STANDING ORDER 9

RESOLVED:

None received.

C501 ELECTRIC BUSES – POTENTIAL FOR LEDBURY TO BE CONSIDERED AS A PILOT SCHEME

Councillor Hughes noted that there did not appear to be anything in the report relating to a Pilot scheme. The Clerk advised that she had contacted Herefordshire Transport Officers about Ledbury Town Council being considered for a Pilot Scheme and this was the information she had been provided with. Councillor Harvey believed it would be worthwhile watching what Herefordshire Council do in respect of electric buses and to see what the commitment and cost is associated with doing this. She also suggested that the council could look at park and ride options for Ledbury

Councillor Eakin proposed that the Council refer the report to the Traffic Management Working Party for consideration.

RESOLVED:

That the Herefordshire Bus Service Improvement Plan be referred to the Traffic Management Working Party for further consideration.

C502 SPECIAL AUDIT REPORT

Councillor Harvey advised that she was pleased to see the report being brought to Full Council, and read out a prepared statement

Councillor Harvey was granted the opportunity to speak on agenda item C502 - Special Audit

"I'd like to start off by saying how pleased I am that this special audit report has come to full council.

It was originally committed to in the summer of 2018 to provide assurance to the council's external auditors that lessons would be captured and learned from the disastrous mishandling of council business and complaints against councillors that led to my Judicial Review and The Ledbury Judgement making case law which protects all councillors from the mistreatment I experienced at the hands of councillor colleagues and staff.

Those councillors and members of staff didn't stick around to clear up the mess they created. Instead, they burned the evidence and walked off into the sunset leaving their wreckage to be dealt with by others.

The purpose of this report was always to address the governance failures and flouting of process between December 2015 and May 2018 which contributed to enabling over £130,000 of public money to be spent by a handful of people, outside of the proper decision-making structures of this council and hidden from the sight of the majority of elected members of this council.

The level of duplicity exhibited by a few people throughout this unfortunate episode is quite staggering. I shall not go into great detail on the matter tonight, but now that this report is published, I shall be putting papers into the public domain that evidence the wrongdoing.

Tonight, it is sufficient to say that in October 2016 legal advice was placed into the hands of the then Mayor, Deputy Mayor and Chairs of the council's 3 committees which told them clearly, they had acted beyond their powers in banning me and (the then Cllr) Andrew Harrison. Despite this, six months later in April 2017 these Councillors, with others in tow, banned Andrew and I both all over again – and it was that second banning which resulted in the JR and the eventual cost to the people of Ledbury of over £250,000 – the council's own legal costs plus the award of mine as part of the High Court judgement.

As can be seen from the conclusions listed by the auditors following their detailed investigations – the failures of governance during that period are significant – and for the benefit of the members of the public present who are without copies of tonight's papers, I shall read them out in full:

1. *During the period under review that Council failed to ensure a robust system of corporate governance was in place.*

2. *The Council repeatedly failed to comply, over a period of years, with most aspects of governance as set out in the Annual Governance Statement*
3. *The Terms of Reference of sub-committees were inadequate, being poorly defined and not reflective of the actual practices of the Council*
4. *The Council failed to comply with its Standing Orders in respect of its handling of complaints against Councillors*
5. *The Council failed to properly identify and manage the risks associated with the legal cases in which it was engaged*
6. *The Council repeatedly failed to adequately address issues raised by External Auditors*
7. *The terms of appointment of legal advisors were not properly reported to Council*
8. *Councillors were not properly provided with the legal advice upon which they based key decisions*
9. *Councillors were not provided the opportunity to discuss matters directly with the Council's solicitor and, instead, had to rely on information passed to them in confidential session – excess reliance was placed on verbal communication to Councillors, related in confidential meetings of Council*

I am disappointed that during the investigation Cllrs Manns and Eakin each refused to assist the auditor by providing detailed accounts of what they knew and were party to at the time. I did however receive a fulsome personal apology from Cllr Eakin in 2018 for his part in what happened. No such apology has ever been forthcoming from Cllr Manns – but he is not here tonight to account for himself so I shall not take the matter further here tonight.

It would be irresponsible and unfair to comment only upon the auditor's report tonight, because much has happened to improve the management and operation of this council since 2018. Specifically, much has improved since Mrs Price was appointed to be our Town Clerk in the spring of 2019.

I am glad to say that since receiving this audit report last autumn, this council has taken the time to consider its conclusions in detail and our clerk has provided a detailed accompanying report which sets out all the many ways in which she has helped us as councillors to strengthen our governance framework and to improve our decision-making processes to significantly reduce the likelihood that such serious abuses of power and process could happen again.

Indeed, one such example of that progress is that we are able to talk about the report at all tonight. While the audit report was in draft and while work was being undertaken to consider and address its conclusions, the documentation was kept confidential and was discussed in closed sessions of council and committee meetings.

This gave councillors and staff the time and space to understand and work through the issues raised, to embed the learning and to agree on steps to improve how we do things. Now that a clear picture is reached it is right to share what happened publicly and provide the very necessary public assurance that these mistakes will not be repeated.

Learning those lessons is one of the reasons that discussion now of the legal exchanges between the council, its consultants and its contractor for repairs to the war memorial is being undertaken confidentially. NOT however in a way which keeps that advice and correspondence hidden from the majority of your elected representatives – as was the case previously – but this time by sharing that information with all those holding the trusted position of representing the interests of the residents of Ledbury, and only for as long as it is necessary for the information to remain confidential.

It is for another part of this agenda to consider whether such discussions will continue to be held in closed session tonight. But it would be disappointing indeed if the very meeting which takes note of the learning from the last time this council allowed a few misguided councillors to pressure colleagues into acting against sound advice, is the same meeting which decides to repeat that mistake.

I welcome this report. I hope all councillors learn from the mistakes it highlights – especially those councillors present here today who were party to making those mistakes. I support the clerk's recommendations for next steps.

Finally I would like to take a moment to thank the people who helped and supported me throughout this ordeal and the many members of the public who attended meetings to bear witness as the ghastly process unwound. They know who they are, and I see some of them here tonight. Thank you for sticking with it and for sticking with me. The ordeal was unnecessary. The people responsible should be shunned. But the case law created means that others will be protected from such abuses in future, which is something at least to be thankful for.”

RESOLVED:

- 1. That members received and noted Councillor Harveys speech regarding the report.**
- 2. That members receive and note the special audit report.**
- 3. That the conclusions in the Special Audit report were accepted by members**
- 4. That the Special Audit report be made public.**
- 5. That the Clerk be instructed to draft an action plan based on the outcome of the special audit report.**

MINUTES

C503 TO RECEIVE AND NOTE MINUTES OF A RESOURCES COMMITTEE MEETING HELD ON 6 JANUARY 2022 AND A RECONVENED MEETING HELD ON 19 JANUARY 2022 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN.

RESOLVED

- 1. That the minutes of the Resources Committee meeting held on 6 January 2022 be received and noted.**
- 2. That the minutes of a Resources Committee meeting held on 19 January 2022 be received and noted, with the exception of minute no. 148(1) being moved to closed session for further discussion**

C504 TO RECEIVE AND NOTE MINUTES OF A PLANNING COMMITTEE MEETING HELD ON 9 DECEMBER 2022 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN.

RESOLVED:

That the minutes of a Planning Committee meeting held on 9 December 2021 be received and noted.

C505 TO RECEIVE AND NOTE MINUTES OF AN ENVIRONMENT AND LEISURE COMMITTEE HELD ON 20 JANUARY 2022 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN.

RESOLVED:

That the minutes of an Environment and Leisure Committee meeting held on 20 January 2022 be received and noted, subject to the following amendment:

Minute No. E224 – be amended to read as follows:

”Councillor Whattler considered it was not appropriate as the trees, if planted in the ground, could cause root damage to properties, restrict daylight and could become untidy if leaves were not cleared, however he was happy to consider the trees being in planters. Councillor Bradford was of the same opinion whereas Councillor Morris agreed that we should proceed”

C506 TO RECEIVE AND NOTE MINUTES OF THE FINANCE, POLICY AND GENERAL PURPOSE COMMITTEE MEETING HELD ON 27 JANUARY 2022 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN.

RESOLVED:

That the minutes of a Finance, Policy and General Purpose Committee meeting held on 27 January 2022 be received and noted.

WORKING PARTIES

C507 NEIGHBOURHOOD DEVELOPMENT PLAN UPDATE

Councillor Howells confirmed that Council would be entering the Reg 14 Consultation period on Saturday, 6 February, for a period of 6-weeks. This will be advertised on social media along with a response form for the public and businesses to complete. Councillor Bannister congratulated the members of the working party on behalf of the Town Council.

Councillor Howells thanked the administrator for all her work over recent weeks in helping to make sure all the necessary documents were available on the Council's website.

RESOLVED:

That members receive and note the update on the Neighbourhood Development Plan.

C508 EVENTS WP

The Clerk advised that the Community Development Officer had contacted Ben Davis, author of a number of children's books, who had agreed to be involved in World Book Day, at a cost of £250 for the day. It was proposed by Councillor Hughes that Council accept all recommendations put forward by the Events Working party and seconded by Councillor Bradford. Councillor Morris suggested the Library be used for the signing.

RECOMMENDATION:

- 1. That Council approve the author Ben Davis attending the World Book Day event at a cost of £250, which would be funded via the welcome back fund.**
- 2. That the Community Development Officer contact traders to see if they would like to be involved in the World Book Day and create a window display.**
- 3. That the Community Development Officer liaise with the schools in Ledbury to create a poster for world book day noting that submissions must be returned by Friday, 18 February 2022 to allow sufficient advertising.**
- 4. That the Community Development Officer, in partnership with the Poetry Festival, apply for £10,000 from the 'Lets create Jubilee Fund'.**
- 5. That the Events Working Party employ an events planner with experience in holding cultural festivals, to assist with the organisation of Reggae on the Rec.**

- 6. That Council agreed to expenditure for a company to design and print a programme of events for the jubilee weekend, to be funded via the Welcome Back Fund**

C509 2022/23 DRAFT BUDGET

Councillor Eakin presented the 2022/23 draft budget, advising that the Budget Monitoring Working Party had met, attended by the Clerk, Councillors Bradford, Eakin, Harvey, Howells and Sinclair at which had resulted in a 1.49% increase on the Council's precept.

Councillor Eakin proposed that Council accept the 2022/23 draft budget, Councillor Bradford seconded this. The anticipated precept figure for the 2022/23 financial year is £605,091 which is an increase from £171.75 to £174.18. The increase equates to an annual increase of £2.42, which is an increase of 1.41% (£0.20 per month increase) per Band D equivalent properties.

RESOLVED:

That the 2022/23 draft budget be accepted by council on the basis of The anticipated precept figure for the 2022/23 financial year is £605,091 which is an increase from £171.75 to £174.18. The increase equates to an annual increase of £2.42, which is an increase of 1.41% (£0.20 per month increase) per Band D equivalent properties.

C510 WELCOME BACK FUND/GREAT PLACES TO VISIT UPDATE

The Clerk advised that the £90,000 for the Great Places to Visit funding was expected to be in the Town Council's bank account on 4 February 2022.

Councillor Morris asked if Members could have sight of the quotes in respect of the works to the Bye Street toilets; the Clerk advised that all quotes were available for councillors to view at any time.

The Clerk asked Members to give consideration to setting up a Working Party for the purpose of considering the expenditure of the Welcome Back Fund and the Great Places to Visit fund.

RESOLVED:

- 1. That a Working Party to consider grant funding be set up with the following members:**

Councillors Hughes, Knight and Morris.

- 2. That the report in respect of the Great Places to Visit and Welcome Back funds be received and noted.**

C511 TO CONSIDER THE APPOINTMENT OF AN EXTERNAL INVESTIGATOR TO REVIEW THE WAR MEMORIAL PROCESSES AND RELATED ISSUES

The Clerk suggested that Council may wish to consider appointing an external investigator to review the processes undertaken throughout the War Memorial refurbishment, advising that it would need to be somebody who understands local council governance.

Councillor Harvey suggested they consider the new Internal Auditor for this role.

RESOLVED:

That the clerk contacts the internal auditor to ask whether he would be able to undertake a review of processes and procedures used with regard to the War Memorial refurbishment.

Councillor Harvey left the meeting at 8:07PM

C512 OUTSIDE BODIES REPORT

RESOLVED:

That the minutes of a meeting of the Ledbury Carnival Association Annual General Meeting held on 10 November 2022 be received and noted.

C513 COUNCIL NEWSLETTER

Councillor Howells noted that the Council Newsletter deadline for submissions for Chairs of Committees was Monday, 14 February 2022 advising that any submissions should be sent to the Clerk and Admin Officer.

RESOLVED:

That the date of submission noted as Thursday, 14 February 2022 for Chairs of Committees to send to Admin Officer.

C514 JOB FAIR

Councillor Bradford provided Members with an update he had had with the Community Development Officer and Councillor Sinclair.,

The Clerk advised that the Community Officer had received positive responses from job centre, Peter McAnn local career consultant, Herefordshire council. She also advised that the Community Development Officer suggested that the Council may wish to have a stand to promote the Council vacancies.

RESOLVED:

- 1. That the council facilitate a Careers and Advice Fair in Ledbury at the end of March, subject to there being enough demand and interest from businesses and other related organisations.**
- 2. That the Council hire the Community Hall at a cost of £25 per hour to facilitate the Careers and Advice Fair.**
- 3. That the Community Groups be invited to attend the Careers and Advice Fair, subject to there being enough room for a stand.**

C515 3 SHIRES STAGES CLOSED ROAD RALLY

Members were provided with a very comprehensive report on the proposed 3 Shires Stages Close Road Rally to be held in 2022.

Councillor Hughes proposed West Midlands Air Ambulance to be the Council's charity of choice for the 3 Shires Stages Closed Road Rally, Councillor Knight seconded this. It was suggested that the Clerk to meet with the Community Development Officer to consider how the council can help promote the event and charity.

RESOLVED:

- 1. That the information provided in respect of the 3 Shires Stages Closed Rally be received and noted.**
- 2. That the CDO advise the Cheltenham Motor Club that the Council's chosen charity is West Midlands Air Ambulance.**

C516 REC GROUND

The Deputy Clerk advised that three companies had provided quotes in respect the play equipment at the recreation ground. She pointed out that any of the three companies would be able to provide an equivalent to the Environment & Leisure Committee's preferred choice.

Members asked the Deputy Clerk if she had any information that she could provide to help them when choosing which company to agree. She advised that all companies were professional but advised that company 3 had been the most efficient to work with in respect of obtaining quotes.

Councillor Hughes proposed that Council accept the Deputy Clerk's endorsement of Company C but with clarity of an independent assessor to perform the overseeing of the work for the selected company, Councillor Knight seconded this.

Councillor Eakin left the meeting at 9:00PM

RESOLVED:

That company 3 be selected to undertake the work on the recreation ground but with clarification from an independent assessor to perform the overseeing of the work done by company c.

C517 SUSPENSION OF STANDING ORDER 3(x)

RESOLVED:

That Standing Order 3(x) be suspended for a period of 30 minutes to enable the remainder of the business on the agenda to be considered.

Councillor Troy left the meeting at 9:02PM

C518 ROLLING FOR CANCER

It was proposed by Councillor Hughes that a letter of support for the Rolling Cancer event be submitted to Herefordshire Council, Councillor Bradford seconded this

RESOLVED:

That a letter of support from Ledbury Town Council be submitted to Herefordshire Council.

Councillor Bannister left the meeting at 9:08PM

Councillor Bannister returned to the meeting at 9:09PM

C519 DATE OF NEXT MEETING

RESOLVED:

It was noted that the next meeting of Full Council was scheduled for 31 March 2022 at 7:00 pm.

C520 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 be excluded from the remainder of the meeting.

Councillor Whattler left the meeting at 9:13PM

C521 LEDBURY WAR MEMORIAL

Members were requested to give consideration to a response received from the Contractors solicitors in respect of progressing the repairs required to the War Memorial.

It was felt that due to a number of councillors having left the meeting there were insufficient members remaining to make an informed decision on the issues being discussed.

Councillor Chowns asked how much it would cost to restore the war memorial to the condition it should have been in, the Clerk advised that due to Members not making a decision on which structural the architectures to appoint at a previous meeting Caroe had not been able to provide this information to date. Following further discussion Councillor Bradford suggested that an extraordinary meeting should be arranged due to the lack of Councillors present. This was proposed by Councillor Hughes and seconded by Councillor Knight.

RESOLVED:

- 1. That an extraordinary meeting be organised to discuss the item in more detail.**
- 2. That the recommendation from the Resources Committee (minute no, 148(1) refers) would also be included on the agenda of the Extraordinary meeting.**

The meeting ended at 9:29pm.

Signed Dated
(Chair)