

**LEDBURY TOWN COUNCIL
MINUTES OF A MEETING OF FULL COUNCIL
HELD ON 30 MARCH 2023**

PRESENT: Councillors Bannister, Bradford, Chowns, Eakin, Howells (Chair), Hughes, Morris, Shields, Sinclair & Whattler.

ALSO PRESENT: Angela Price – Town Clerk
Julia Lawrence – Deputy Clerk
Charlotte Bartrop – Minute Taker
Councillor l'Anson
7 Members of the public

C710 APOLOGIES

Apologies were received from Councillors Harvey, Manns and Sims.

C711 DECLARATIONS OF INTERESTS

Councillor Sinclair declared a personal interest in the Agenda Item 12, Finance, Policy & General Purposes Committee Minutes, in respect of the Coronation Mugs due to him having recommended a company.

Councillor Hughes declared an interest in Agenda Item 12, Finance, Policy & General Purposes Committee Minutes, in respect of the Grant Applications submitted by Ledbury Carnival due to Mrs Hughes sitting on the Carnival Committee.

C712 TO RECEIVE AND NOTE THE NOLAN PRINCIPLES

Councillor Sinclair made the following statement:

"We note these at every meeting, but some people believe they don't apply to them. This is directed at the Mayor, who responded to an email I sent to Councillor Shields. I have no idea why she couldn't answer the questions herself, but the response was from Mayor.

In an email dated 26 February 2023, you made a number of accusations about me breaching the code of conduct; specifically, Respect, Bullying, harassment and discrimination. You also accused me of questioning the minutes.

I responded on 27 February 2023, stating: Your response to the email I sent to Councillor Shields, is unbelievable and inaccurate. Firstly, I did not question the accuracy of the minutes, why have you made this accusation? Secondly, you have accused me of breaching the Code of Conduct; specifically, Respect, Bullying, harassment and discrimination. Please provide evidence to support these allegations.

I emailed you on 14 March 2023, stating: You have made a number of allegations against me, where is the evidence I asked for? If you can't provide evidence, you should apologise for making defamatory comments.

On 28 March, I emailed you and said: Two weeks have passed since I asked you to evidence the allegations made, where is it?

It is now the 30 of March, are you going to withdraw the allegations, apologise and put it in writing?"

RESOLVED:

That the Nolan Principles be received and noted.

C713 TO APPROVE AND SIGN THE MINUTES OF EXTRAORDINARY MEETINGS OF COUNCIL HELD ON 2 AND 9 MARCH 2023

RESOLVED:

That the minutes of the extraordinary meetings of Full Council held on 2 and 9 March 2023 be approved and signed as a correct record with the highlighted errors to be corrected prior to the next meeting.

C714 HEREFORDSHIRE COUNCILLOR'S REPORTS

Ward reports were received from Ledbury Ward Members:

- i. Councillor Harvey
- ii. Councillor Howells
- iii. Councillor l'Anson

RESOLVED:

That the Ward Councillor's reports be received and noted.

C715 MAYORS COMMUNICATIONS

The Mayor made the following statement:-

"Given this is the last full Council meeting of Ledbury Town Council for this Administration, as the Mayor I'd like to propose a vote of thanks for the work our clerk, Mrs Angie Price, and her staff have done on behalf of the Council and the residents of Ledbury since she joined us four years ago. She has introduced many improvements, such as reshaped our procedures and policies to improve how the council is governed, updated our financial reports and budgets to make them clearer and easier to understand, introduced detailed reports for meetings which has enabled quicker and more informed decision making, and built a team of capable and enthusiastic staff who make the office a friendly and helpful place in which to work and visit for staff, councillors, residents and visitors alike. It's been a tough 4 years, with a new team to meld together, Covid to deal with and having to pick up on past War Memorial decisions that has not been at all

HA

straightforward, so inevitably there have been some mistakes. However, Angie has never failed to be open and quick to admit them when they happen and I for one have been grateful for a mutually supportive working relationship which I am sure future Mayors will appreciate as much as I have."

The Mayor asked Members to give a vote of thanks to the Clerk and Ledbury Town Council staff and requested a named vote the outcome of which was:

For

Councillors Bannister, Bradford, Chowns, Eakin, Howells, Hughes, Morris, Shields, Sinclair & Whattler

Against

None

Abstentions

None

RESOLVED:

- 1. That a vote of thanks be given to the Town Clerk and Ledbury Town Council staff for all their hard work over the last 4 years.**
- 2. That the Mayor's Communications be received and noted.**

C716 TO CONSIDER QUESTIONS/COMMENTS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 3(E) AND 3(F)

Nick Bryant spoke to the War Memorial Agenda item:

I have seen various communications that have been shared online by various Councillors about certain Councillors and their intentions. As an observation, you're not addressing the points, so I have taken matters into our own hands, because when I spoke to you the best part of two years ago several councillors believe that I was talking out of my rear with regards to CDM, planning and various other legislations.

That leads me nicely on to Councillor Hughes, I think that you've done a wonderful job with your report, it's highlighted a few things, I would like to thank Councillor Bradford for standing up regarding the War Memorial and certainly Councillor Sinclair who has quite clearly tried at every possible opportunity to highlight this issue. I have seen an email from Councillor Bannister where he believes that throwing accusations at Councillor Bradford when he believes that you should be held responsible and accountable to the public. It seems that you are hiding this War Memorial malarkey, I can appreciate that you want to learn lessons to reinforce your processes and I applaud that. But if there's a

lesson to learn, which you know yourself as an ex-serviceman, you should be held accountable for your actions. When it was actually put out to the Stone Workshop, when would you actually submit yourselves to proper scrutiny. For the best part of two years, I have had no reply of any substance to these questions. So, could you tell me, are you going to answer this or not?

The Mayor thanked Mr Bryant for his statement and advised that he would give consideration as to whether his questions require a written reply.

The Mayor stated that the Council have never said that they would not provide a response to the various questions raised by members of the public in respect of this issue, however he pointed out that it had previously been necessary to restrict what could be said due to the ongoing legal situation. He advised that the Council will at some point provide a response.

Mr Bryant asked one more question directed at the Mayor:

"Is it your intention to stand for Ledbury again?" The Mayor advised that this information was in the public domain.

C717 TO RECEIVE MOTIONS PRESENTED BY COUNCILLORS IN ACCORDANCE WITH STANDING ORDER 9

Motion received from Councillor Hughes, seconded by Councillor Sinclair:

To receive and note the contents of the report from the Internal Auditor in respect of matters relating to the repair and renovations on the Town Memorial in 2020.

Councillor Hughes read the following statement, "I move the motion: to receive and note the contents of the report from the Internal Auditor in respect of matters relating to repairs and renovation in 2020 of the Town War Memorial (Appendix 2).

The Auditor's report forms a small part of the three-stage plan adopted by Council in attempted remediation of the damage done during the renovation of the War Memorial; the use of inferior materials; and the self-evident poor workmanship.

The three-stage plan is to:

1. Retrieve monies paid to the contractor.
2. Put right our War Memorial.
3. Find out what went wrong at Ledbury Town Council and put in place measures to ensure it cannot happen again.

I remind Council that the Auditor's report was commissioned on 1st December 2022 by Ledbury Town Council in response to the report of an internal investigation carried out by myself and Councillor Bradford.

AP/12

One of the purposes of commissioning a further investigation by the Internal Auditor was to check the main finding of the internal investigation. May I remind you of the main finding.

In the matter of renovation and repair of the War Memorial (2019-2020) Councillor Bradford and I determined that:

Ledbury Town Council did not act entirely within the Regulatory Framework provided by Standing Orders, Financial Regulations, and the Construction (Design and Management) Regulations (2015).

In his report, the Internal Auditor does not explicitly agree with this main finding. Instead, he concentrates almost exclusively on, and I quote from the Auditor's report:

'Failure to appoint 'expert supervision' is the root cause of the subsequent failure to successfully deliver the project.'

This 'root cause' of 'failure to appoint expert supervision' was already established at a Full Council meeting on 31st of August 2021 (19 months ago) and since that time Council has put in place specific measures to ensure that expert advice and supervision will always be engaged for any contracted work of £5000 or more. (It may be that Council should regularly revisit this lower-limit figure.)

One of the purposes of commissioning the Auditor to investigate, was to establish how the contractor had been selected and a full investigation of payments including payments for 'additional work'.

Amongst the nineteen questions we specifically asked the Auditor to investigate and answer, were:

- (1) Was proper authority obtained for the appointment of all suppliers?
- (2) Was proper authority obtained for the commitment of all expenditure?
- (3) Were all payments made with proper authority?

The Auditor has not provided any answers to these three questions and also the sixteen other questions posed by this Council in the specification provided by Council to the Auditor (Appendix 1). The Auditor indirectly acknowledges that he has not provided the answers we required (he refers to the nineteen questions as 'format' and 'structure') and gives his reason for not attempting to answer the questions we posed:

I quote: "I am also concerned that preparing the report in the structure provided could, perhaps, provide the wrong conclusion, that it was individual failings, or failure by specific individuals that caused this problem, rather than it being a systemic failure by the entire Council over a number of years."

Surprisingly, he roots the failings in 2019/ 2020 to systemic failure going right back to 2013.

BA719

There are some anecdotal accounts of off-the-record actions, private on-site meetings and mis-undertakings by individual Councillors and officers acting alone in 2018 and 2019, that appeared to tie this Council into acting outside of Standing Orders and Financial Regulations. Many of the senior and experienced Councillors and staff I spoke to as part of my initial investigation, told me that they regretted not calling a halt to the process and not insisting that we begin the proper process again.

However, it is this whole Council who must take collective responsibility.

I contend that we should receive the report; note the contents but understand the limitations of the findings of the Auditor's report for any forensic examination of Council's behaviour; and then consider three questions:

1. Does Council have a clear idea, and can Council explain to the people of Ledbury, what went wrong and why?
2. What went wrong is the responsibility of this current administration. As we approach the end of our period of office, is it now time that this Council makes a full and unreserved apology to the people of Ledbury?
3. Has Council acted to ensure that this cannot happen again? I warn Council as your outgoing Chair of Finance that I see incidents where there remains a lack of understanding about Financial Regulations, Standing Orders and CDM 2015 and that the potential for poor governance remains.

I move the motion and ask that this statement be entered into the public record."

Councillor Bradford stated that Full Council had initiated the investigation into the War Memorial and that it was not a witch hunt, as had been implied. Ledbury Town Council now have systems in place to ensure that this doesn't happen again. He posed the question that if the auditor has stated that Financial Regulations are not necessary, why are Ledbury Town Council debating the matter?

He reiterated his thanks to Councillor Hughes for his report and suggested that the Council needs to move on from this, noting the plans to have the work carried out to the War Memorial later in the year.

Councillor Sinclair read the following statement to summarise what had happened to the War Memorial:-

"No work was carried out to the Specification or the Quotation, but payment was invoiced and made for the Full Amount. The Paving Stones are a prime example. Quoted and invoiced at £6,357; what was supplied cost circa £1,600. Even worse TSW invoiced LTC for £800 to replace cracked paving stones.

LTC hired the TSW(The Stone Workshop), a contractor who was not qualified to do repairs to the War Memorial. Paul Jones was clueless about Contracts

MS

or Statutory Regulations. I pointed this out to all Councillors in an email dated 4 Feb 22, I stated:

"This sorry episode must end we have a duty to Stuart Heaton and the People of Ledbury to rectify matters. On Wednesday, 7 February, we must decide Police or incompetence? Neither of these were accepted because this Council has refused to accept responsibility for actions taken re. the War Memorial."

It has been proven beyond any doubt that TSW presented invoices for £5,025 more than they should have. LTC Paid these, where were the check and balances. During a telephone call on Fri 10 March, the Mayor stated all payments to TSW were genuine, I challenged him to prove my summary of payments wrong. Stating if the Mayor can prove me wrong, I will withdraw from both Herefordshire Council and LTC Elections, if he couldn't, I expected him to withdraw.

There has been little concern for the victims, they have been ignored:

1. WW2 Veteran Stuart Heaton who donated £30,642
2. The men whose names are on the WM.
3. The People of Ledbury, especially those who have Family Members, named on the WM.
4. Ledbury Council Taxpayers.

LTC had a quote from TSW for £17,355, to change the sub-standard paving, he had knowingly wrongly laid. Steve Ellis pointed the shortcomings out in Mid Oct 21 and wrote an Interim Report. This it seems was ignored because the quote from TSW is dated 7 Dec 21. This was redacted from my Second FOI, by Cllrs Howells and Manns, they were trying to hide what had gone on. Two Local Contractors pointed out the failing, one of the emails was dated 4 January 2021, still nothing was done. To make matters worse, LTC were still getting TSW to quote. A quotation was sent by Paul Jones, dated 22 February 2021, the cost has increased to £19,155, this was also redacted. Three people warned them that Sub-Standard Materials had been used and they were still communicating with TSW, we must ask why?

If the information from the two local contractors had been available, the Police may have looked at the case differently. Their findings and timings are crucial. Then there is the Internal Auditor, he wrote a report stating that Mal Hughes the current Chair of Finance, was unhelpful for pointing out that LTC had broken the law! I Propose a Resolution to take this to the Police as a council, to finally get closure on this sorry episode. This is based on a recommendation (F579 - Pages 3, 4 and 5) from FPGP meeting dated 23 March 23."

Councillor Shields asked Members to reflect upon whether the Council take sufficient advice from the Clerk at the appropriate time, as this was a big question in her mind.

Councillor Howells asked Councillor Hughes to clarify the motion to be voted on.

AG/A

RESOLVED:

That the internal auditors report be received and noted.

Councillor Sinclair asked that the recommendations within the Finance, Policy & General Purposes Committee minutes, in particular those in relation to the War memorial be adopted.

RESOLVED:

That agenda item 12, Finance, Policy & General Purposes Committee minutes be brought forward.

C721 TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE FINANCE, POLICY & GENERAL PURPOSES COMMITTEE HELD ON 23 MARCH 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

Councillor Sinclair proposed a Resolution to take this to the Police as a council, to finally get closure on this sorry episode, as per the recommendation from the Finance, Policy & General Purposes Committee.

Councillor Bradford advised that to do this the Council would need to have evidence. He pointed out that at the recent Finance meeting those present had voted on the matter of the overspend and resolved that it should be brought to Full Council for consideration, which was correct. He pointed out that at that meeting it had been agreed that they needed evidence to provide to the Police and it was agreed that Councillor Sinclair would do a presentation of evidence, suggesting that until this was available no action could be taken.

Councillor Eakin agreed with the principles put forward by Councillor Bradford with regard the need for evidence being available.

Councillor Sinclair responded by saying that he was unsure why Councillor Bradford had made his statement, pointing out that evidence of invoices etc. had been provided at a recent meeting between the Mayor and Councillor Hughes that they had both been present at. He listed the evidence that had been presented at that meeting, stating that he was not sure what more evidence was needed to provide to the Police to show wrongdoing.

Councillor Bradford advised that he agreed with what Councillor Sinclair had said, but pointed out that this information needs to be presented to the Police. He also stated that he believed that the Council should write to the contractor to demand he repay the overpayment. He reiterated the resolution of the Finance Committee that Councillor Sinclair had been asked to provide a document containing all the information that could be presented to the Police.

Councillor Hughes asked Members to receive and note the Finance, Policy & General Purposes Committee minutes, to ensure the correct process is being followed, prior to further discussion in relation to those minutes.

17/9/23

Following this he brought Members attention to the resolution within those minutes that:

Ledbury Town Council pursue the repayment of the overcharge from the Stone Workshop for the full amount as detailed in the report provided to the Finance, Policy & General Purposes Committee and proposed that this is what the Council does.

Councillor Shields raised concerns over whether the Council should consider the content of the agreement between the Council and TSW in relation to the dispute over the work undertaken to the War Memorial.

Councillor Hughes advised that the wording of the agreement should be checked, however he did not believe that this would prevent the Council from writing to TSW making them aware that there has been an overpayment and requesting that this money be paid back to the Council. He pointed out that it is the moral duty of the Council to seek repayment of those monies.

Councillor Hughes pointed out that without the written report from Councillor Sinclair being provided at the meeting, the recommendation within the Finance, Policy & General Purposes Committee would fall.

Councillor Sinclair advised that it could potentially take a week to put this information together, which is why he had provided a summary to this meeting. Once it had been agreed by Council to proceed he would be willing to put a report together.

Members were advised that one grant application for multi-year funding had been omitted from the minutes in respect of the Ledbury Carnival and that this had been deferred due to the meeting having been inquorate at the point of this discussion.

RESOLVED:

- 1. That the minutes of a meeting of the Finance, Policy & General Purposes Committee held on 23 March 2023 be received and noted.**
- 2. That the Council pursue the repayment of the overcharge from the Stone Workshop in the sum of £5,025 as detailed in the report provided to the Finance, Policy & General Purposes Committee.**
- 3. That Councillor Sinclair provide an evidence pack to the next Finance, Policy & General Purposes Committee, which will be in the new Administration which will provide evidence for the Finance, Policy & General Purposes Committee to review prior to it being sent to the Police.**
- 4. That the purchase of Commemorative Coronation Mugs for the School Children of Ledbury Primary School be approved.**

Handwritten initials

5. That consideration of whether to provide mugs to John Masefield High School be referred back to the next Events Working Party.
6. That the grant application in the sum of £1,000 to the Carnival Association be approved.
7. That the multi-year grant application to the Carnival Committee in the sum of Year 1- £3,500, Year 2 - £4,000 and Year 3- £4,500 be approved.

C722 TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE RESOURCES COMMITTEE HELD ON 2 MARCH 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

RESOLVED:

1. That the minutes of a meeting of the resources committee held on 2 March 2023 be received and noted.
2. That the outcome of the job evaluation of post holder 60 be approved.

C723 TO RECEIVE AND NOTE THE MINUTES OF MEETINGS OF THE PLANNING, ECONOMY & TOURISM COMMITTEE HELD ON 9 FEBRUARY AND 9 MARCH 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

RESOLVED:

That the minutes of the meetings of the Planning, Economy & Tourism meeting held on 9 February and 9 March 2023 be received and noted and that all highlighted errors be corrected prior to the next meeting.

C724 TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE ENVIRONMENT & LEISURE COMMITTEE HELD ON 16 MARCH 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

RESOLVED:

1. That the Clerk contact the Council's Solicitor in respect of drawing up a Service Level Agreement between the Town Council and the Rogers Funfair in advance of the October 2023 Funfair, setting out the responsibilities for both parties.
2. That the minutes of a meeting of the Environment & Leisure Committee held on 16 March 2023 be received and noted.

2/9/23

C725 TO RECEIVE INVOICES FOR PAYMENT (March final)

RESOLVED:

That the invoices for Payment for March be approved for payment in the sum of £796.50 plus VAT.

C726 MARKET TOWNS FUNDING 2023/24

Members were provided with an update on the Market Towns Funding 2023/24 and asked to give consideration to a number of points raised by Balfour Beatty.

RESOLVED:

- 1. That the information provided in the Market Towns report be received and noted.**
- 2. That the Clerk request a breakdown of any costs from Balfour Beatty that may be incurred for the removal of item 10 from the list.**
- 3. That the Clerk advise BBLP that item 11 only related to the resurfacing of the pavement in Robinson's Meadow.**

C727 TO RECEIVE AND NOTE INFORMATION IN RESPECT OF CAPITAL HUBS PROJECT FUNDING SCHEME

RESOLVED:

That the information in respect of the Capital Hubs project funding scheme be received and noted.

C728 OUTSIDE BODIES REPORTS (If any)

- i. To consider Ledbury Town Council representation on the John Masefield Society.**
- ii. Minutes of a meeting of the Ledbury Carnival Association held on 11 January and 8 February 2023**
- iii. Minutes of a meeting of the Ledbury Strömstad Twinning Association held on 27 September 2022**

RESOLVED:

- 1. That Ledbury Town Council become an institutional member of the John Masefield Society.**
- 2. That Holly Welford be nominated as a representative on behalf of Ledbury Town Council and that she act as the financial representative on the Society in respect of the John Masefield Project.**

HWA

3. That Councillor Morris be nominated to act as the Council's representative on the John Masefield Society to represent the Council's interest in the John Masefield Memorial Project.
4. That the minutes of the meetings of the Ledbury Carnival Association held on 11 January and 8 February 2023 be received and noted.
5. That the minutes of the Ledbury Strömstad Twinning Association held on 27 September 2022 be received and noted.

C729 ENQUIRY RECEIVED FROM MR CHRISTOPHER SCOTT

RESOLVED:

That Ledbury Town Council would write to Mr Christopher Scott to decline to print his book and offer their best wishes with the endeavour.

C730 LOCAL POLICING CHARTER

There was a short discussion as to whether the Police Station had been reopened as there are vehicles using the car park on a regular basis.

RESOLVED:

1. That the members agreed that Councillor Hughes, in his role of police liaison officer, will meet with the Police and raise the question of the police station opening hours.
2. That the Police Charter be included on the agenda for discussion at the next Police liaison meeting.

C731 DATE OF NEXT MEETING

RESOLVED:

That the next meeting of Full Council will be the Annual Council Meeting scheduled for 11 May 2023.

C732 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, the press and public are excluded from the remainder of the meeting.

Handwritten signature

C733 CITIZEN OF THE YEAR AWARDS

There was a short debate as to whether there should be one award or multiple, due to the wording of the award. Members agreed that there had been multiple recipients in previous years and felt that this year should be no different.

RESOLVED:


That the Citizen of the Year Award should be jointly awarded to:

1. Tom Collingwood
2. Ann Lumb and Nicola Forde
3. Jeremy Wolfe

C734 YOUTH AWARDS

That there were no nominations received for the Youth Awards.

The meeting ended at 9.00pm.

Signed  Date 11/05/23
(Town Mayor)

