

## TEWKESBURY TOWN COUNCIL

### MINUTES OF THE FULL COUNCIL MEETING HELD ON 9<sup>TH</sup> JULY 2018 IN THE COUNCIL CHAMBER, TEWKESBURY TOWN HALL AT 6.00pm

**Present:** Cllrs C Danter (Chair); H Burns; J Raywood; S Carter; K Brennan; S Raywood;; P Aldridge; P Workman; M Sztymiak; K Powell, S Franklin, M Poxon

**In attendance:** D Hill (Clerk); P Stanford (Mayor's Chaplain); A Durn (Assistant Clerk); 1 member of the public

**18/19 - 171 To receive and note apologies for absence**

Cllrs V Smith, T Walker, A Smith

**18/19 - 172 To receive declarations of interest**

None received

**18/19 - 173 To consider requests for dispensation**

None received

**18/19 - 174 To receive written questions from members of the public**

None received.

**18/19 - 175 Public participation**

It was requested that reports were sent out earlier to enable time to read them.

**18/19 - 176 To note the Mayor's announcements**

The Mayor gave the following announcements:

- Thanked councillors that attended the Armed Forces Day parade and re-dedication of the memorial plaques at the War Memorial
- 10<sup>th</sup> July 2018 will be the regional judging day for Tewkesbury in Bloom. She wished everyone good luck.
- 14<sup>th</sup> and 15<sup>th</sup> July 2018 will be the Medieval Festival and Battle

**18/19 - 177 To approve the minutes of the meetings held on 18<sup>th</sup> June 2018**

There was a proposal by Cllr S Raywood, seconded by Cllr J Raywood to defer this item to allow time to review the Minutes by a Working Party of Chairs of Committees. It was requested that hard copies to be available in councillors' pigeon holes before the meeting.

It was RESOLVED to agree to defer the approval and for a Working Party of Chairs of Committees to review the Minutes.

**18/19 - 178 Matters arising from the Minutes – for information only**

The following matters were raised:

- Amending Minutes. The Clerk explained that if the amendment referred to the June meeting then the amendment could be discussed and voted on, if the amendment referred to the May meeting then, as Council had previously approved the Minutes they could not be amended.
- March 2018 reconciliation – Clerk to circulate
- GDPR report – to be on the next Full Council agenda
- Annual Governance Statement – not on the Council website
- Earmarked Reserves report – to be on next Finance Committee agenda
- Request to split the finance quarter 1 reports into monthly reports

**18/19 - 179 To note the following committee minutes:**

**Environment & Amenities – 26<sup>th</sup> June 2018**

**Finance – 21st June 2018**

**Planning – 13<sup>th</sup> June 2018 and 27<sup>th</sup> June 2018**

**Staffing – 28<sup>th</sup> June 2018**

It was requested that all councillors receive copies of the notification of meetings for all committees.

The Clerk referred to a recent briefing from NALC concerning the need to provide information on each committee to all Councillors. The Clerk will obtain a copy of this guidance note for circulation.

A query was raised on the training budget. The Clerk will add to the next Staffing Committee agenda.

**18/19 - 180 To receive reports from Tewkesbury Borough Council and Gloucestershire County Councillors**

Gloucestershire County Councillors - No report received

A report was presented by Tewkesbury Borough Councillor P Workman as follows:

Spring Gardens Car Park - An Agent is being sought to oversee the development of the Spring Gardens site. As you know there have been various attempts to secure some retail development without success. It is hoped with the expertise and contacts an agent will bring should secure success.

The MAFF site which has been up for sale for some time will now, almost certainly, be used for residential development subject to any planning constraints.

The grass cutting issue has abated for now as the backlog of uncut areas has been mown, helped no doubt by the current dry spell.

The planning application for the Wychavon Mitton site has been put back due to Highways concerns. It will not be heard until, at the earliest, the end of the year. The Borough will give a opinion on the application and Annette Roberts and Paul Skelton will meet with their opposite numbers in Wychavon to discuss the impact and a report will go to the Borough planning committee.

The refurbishment of the Borough Offices is nearing completion and so it should be back to normal in September. The new Growth Hub will take up space on the entrance area and again this should be up and running soon.

The Borough is running a campaign called 'Stand' which is aimed at encouraging people to stand at the election next May. This initiative will run until Feb 2019.

**18/19 - 181 Tewkesbury Town Council resolves from 9<sup>th</sup> July 2018 until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility (at least two thirds of its members being declared elected and the Clerk must hold an appropriate qualification) as defined under the Localism Act 2011 and SI 965 The Parish Council (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence**

There was a discussion on the criteria of the General Power of Competence and agreement that the Council complied with all the requirements. It was felt that it would be good for the Council. There was a request that the Powers to Spend would still be listed against each payment request. It was proposed by Cllr M Sztymiak, and seconded by Cllr P Aldridge, to adopt the General Power of Competence.

It was RESOLVED to adopt the General Power of Competence.

**18/19 - 182 To approve payments for Quarter 1 ending 30<sup>th</sup> June 2018**

The payments list for the first quarter of 2018/19 was discussed. There was a discussion on retrospective payments, what they were for, and how they appeared in the report. The Clerk explained the retrospective payments had been discussed at committee meetings, but the amounts were over the approval delegation and therefore discussion and approval had to be made at Full Council. The Clerk would check the Financial Regulations on spending limits for each committee and report back. There were a number of other queries raised which would be sent to the Clerk for review.

The Cllrs P Aldridge and K Brennan plus the Chaplain left the meeting.

**18/19 - 183 To note the bank reconciliations for Quarter 1 ending 30<sup>th</sup> June 2018**

The June bank statements had only just been received and therefore the June bank reconciliations with reports were unable to be reported at the meeting. These will be deferred to the next meeting. Queries were raised on the room hire process, the Clerk will clarify.

**18/19 - 184 To receive the budget report to June 30<sup>th</sup>, 2018**

Queries were raised on how the finance system processes payments made in 2018 that refers to 2017/18 financial year; and how the receipts list links to the budget report. The Clerk will clarify.

**18/19 - 185 To approve the cheques for signature**

There were no queries raised on the list of cheques for payment. Cllr S Raymond proposed, seconded by Cllr S Franklin to approve the cheques for payment.

It was RESOLVED to approve the cheques for payment. The cheques list is attached to these Minutes.

There was a review of the retrospective payments list referred from the Finance Committee. It was proposed by Cllr S Franklin, seconded by Cllr S Raywood to approve the retrospective payments.

It was RESOLVED to approve the retrospective payments referred from Finance Committee meeting 21<sup>st</sup> June 2018. The retrospective payments list is attached to these Minutes.

**18/19 - 186 To consider the recommendation from the Planning Committee that Tewkesbury Town Council adopts the draft pre-application policy**

Cllr P Workman declared an interest as he is a Borough Councillor and did not take part in the discussion.

The report was presented and discussed. Cllr S Raywood proposed, seconded by Cllr M Poxon, to adopt the report. Cllr M Sztymiak proposed an amendment to include that all councillors are informed and invited to developer meetings.

It was RESOLVED to adopt the pre-application policy with the amendment that all councillors are informed and invited to developer meetings.

**18/19 - 187 To receive an update on the review of outstanding policies**

The Clerk gave a briefing on the review and the committees the policies will be referred to:

Unreasonable Complaints – Staffing Committee

Freedom of Information – Staffing Committee

Media – Full Council

Financial Regulations – Task and Finish Group (the Clerk asked for assistance in arranging this)

Standing Orders – Task and Finish Group (the Clerk asked for assistance in arranging this)

Privacy Notice – Staffing Committee (the general privacy notice is on the website)

GDPR – ongoing.

**18/19 - 188 To review the representation on or work with external bodies and arrangements for reporting back**

The 2017/18 list was reviewed and updated. The status of the Almhouse Trust, Chartered Parishes Group, and Riverside Partnership to be checked. The Clerk to circulate to all councillors for review and to receive requests for update.

**18/19 - 189 To agree membership of the Planning Committee**

It was reported that there was a risk of being inquorate and a need to build resilience into the Planning Committee.

**18/19 - 190 To review the meeting calendar and agree any necessary actions**

It was noted that there were some anomalies in the scheduled meeting dates. The Chair of Planning reported she needed the Planning Committee meetings every 2 weeks to be able to meet the Tewkesbury Borough Planners' deadlines. The following dates were agreed:

August 16<sup>th</sup> – Finance Committee (moved from 15<sup>th</sup>)

July 16<sup>th</sup> – Planning Committee (extra meeting due to planning application demand)

October 24<sup>th</sup> – Buildings & Moorings Committee (moved from 25<sup>th</sup>)

February 5<sup>th</sup> – Environment & Amenities (moved from 2<sup>nd</sup> February)

**18/19 - 191 To discuss the consent process to opt in/out of receiving electronic communications in accordance with the Local Government (Electronic Communications) England Order 2015 and the Town Council's Standing Orders**

The Clerk explained the Standing Orders allowed meeting summons to be sent by email but that councillors needed to sign a consent form to opt in or out. It was agreed to circulate the forms to all councillors for completion and return to the Office. The Clerk to clarify with GAPTC the logistics and legal requirements to be met of a split in electronic and postal summonses.

**18/19 - 192 To consider a proposal from Cllr Carter to establish a stand-alone Scrutiny Committee (Terms of Reference to be established if the Motion is carried)**

The proposal was introduced. It was thought that there needed to be a separate scrutiny committee function to ensure continuous improvement and to install confidence in non-Chairs and Vice Chairs. There followed a lengthy discussion. Queries were raised on its purpose; duplicating the current function of Full Council, committees, and Appeals Panels; what the work programme would cover due to the relatively small size of the Town Council to larger principle councils; the current number of committees and working groups and demands on councillors and officers. It was proposed by Cllr S Carter, seconded by Cllr H Burns, to establish a Scrutiny Committee and for that Committee to draft its own terms of reference. Cllr S Carter requested a recorded vote.

It was RESOLVED to establish a Scrutiny Committee and for that Committee to draft its own terms of reference to be brought back to Full Council. The vote was recorded as follows:

For: Cllrs S Carter, H Burns, K Powell, M Sztymiak, S Raywood, S Franklin, J Raywood, M Poxon

No Vote presented: Cllr P Workman

**18/19 - 193 To consider a proposal from Cllr Carter to review the decision of Full Council on 21<sup>st</sup> October 2015 in relation to a grievance complaint**

Cllr Carter reported to Council that he had been previously suspended from attending external organisations as a representative and from council committees for 19 months. This had now relapsed. He expressed his feelings on the process of handling the complaint and the decision making of the suspension which he felt was wrong. He reported on the recent judicial review ruling, R (Harvey) v Ledbury Town Council [2018] EWHC 1151 (Admin) on 15<sup>th</sup> May 2018 (known in local councils as the Ledbury Case) which he felt was pertinent to his case. He proposed that the Council reviews the decision in relation to a grievance complaint and gives him an apology, and for the 19-month suspension to be retrospectively rescinded. The Clerk reported she had discussed this item with the Monitoring Officer and that due to the lapse in time the decision of the Council remained but that it was at the discretion of the Council to decide whether to apologise to Cllr Carter.

There followed a lengthy discussion on the powers in place at the time; the similarities and differences to the Ledbury Case; the evidence provided at the time and accepted and used in good faith; and subsequent information received and the ruling of the judicial review. It was proposed by Cllr M

Poxon, and seconded by Cllr S Raywood, that the Council should apologise that the correct procedure was not followed, the way it was handled was wrong, and that Cllr S Carter should not have been suspended. It was RESOLVED to apologise to Cllr Carter that the correct procedure had not been followed, the way the grievance complaint was handled was wrong, and that the Council should not have suspended Cllr S Carter. The Chair checked with Cllr S Carter that he was satisfied with that resolution. Cllr S Carter stated that he was now satisfied.

**18/19 - 194 Following proposals from Cllrs Burns and Franklin, to consider a recommendation from the Environment & Amenities Committee that the Council appoints an Environment Champion**

The Environment and Amenities Committee had discussed at their meeting on 26<sup>th</sup> June 2018 and recommended it be discussed at Full Council. The Chair asked Cllr S Franklin if she would consider being the Environmental Champion, Cllr S Franklin agreed. It was proposed by the Chair and seconded by Cllr S Raywood that Cllr S Franklin develop 5 environmental ideas to champion and to bring back to Full Council.

It was RESOLVED that Cllr S Franklin is appointed as Environmental Champion and develops 5 environmental ideas for Full Council to consider.

It was RESOLVED to agree to suspend Standing Orders to enable completion of the agenda.

**18/19 - 195 To consider a proposal from Cllr S Raywood to adopt a Policy/Protocol for Marking the Death of a Senior National Figure**

The draft protocol was reviewed. It was felt to be a good idea to have a protocol, but the draft could be simplified and be less onerous, and to consider national tragedies. It was proposed by Cllr S Raywood, seconded by the Chair, to adopt the protocol.

It was RESOLVED to adapt and adopt the protocol.

**18/19 - 196 To consider a proposal from Cllr M Poxon that the Town Council should seek legal advice before signing any significant contract to ensure that it is not committing the Council to unfair clauses**

The proposal reflected on current and historic significant contracts that was felt should have had greater scrutiny and legal advice. A query was also raised on what contracts are in currently in place.

It was RESOLVED that legal advice should be sought before signing any significant contract to ensure that it is not committing the Council to any unfair clauses.

Meeting closed at 8.31pm.

Signature of the Chairman upon approval of the minutes.....

Date: 10<sup>th</sup> September 2018

