

MINUTES OF THE EXTRA ORDINARY MEETING OF THE OTTERY ST MARY TOWN COUNCIL HELD ON MONDAY 14TH AUGUST 2017 AT 7PM AT THE COUNCIL CHAMBER, THE OLD CONVENT, 8 BROAD STREET, OTTERY ST MARY

PRESENT Mayor

Councillor Dobson (Town Ward)

Councillors

Holmes, Pang, Carter, Edwards, Faithfull, Giles (Town Ward)
Bartlett and Gori (North Ward)
Pratt (Tipton St John Ward)
together with the Clerk

Other Persons Present

3 members of the public were present

PRAYER

The Clerk read the Council Prayer

17/08/42

TO RECEIVE APOLOGIES FOR ABSENCE

There were none

17/08/43

TO RECEIVE DECLARATIONS OF INTEREST FOR ITEMS ON THE AGENDA AND RECEIPT OF REQUESTS FOR NEW DISCLOSABLE PECUNIARY INTERESTS (DPIS) DISPENSATIONS FOR ITEMS ON THE AGENDA

Cllrs Pratt and Giles declared interests in item 6 as they were both trustees of the Heritage Society and confirmed they would leave the room whilst the item was being discussed. Cllrs Pratt and Edwards both declared interests in Item 10 as they were the subjects of the item to be discussed

17/08/44

IN CONSIDERATION OF THE PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960 (PUBLICITY WOULD BE PREJUDICIAL TO THE PUBLIC INTEREST BY REASON OF THE CONFIDENTIAL NATURE OF THE BUSINESS TO BE TRANSACTED): TO AGREE ANY ITEMS TO BE DEALT WITH AFTER THE PUBLIC AND PRESS HAVE BEEN EXCLUDED

It was agreed that items 13 and 14 be dealt with in Confidential Session as they related to financial matters. Items 10 and 11 to be dealt with in the public meeting unless it was considered, (as discussions progressed), that they should be discussed in Confidential Session

17/08/45

TO ALLOW MEMBERS OF THE PUBLIC PRESENT TO SUBMIT QUESTIONS/COMMENTS FOR CONSIDERATION INDIVIDUAL CONTRIBUTIONS WILL BE LIMITED TO 3 MINUTES

Robert Neal provided background information as to the intentions of the Heritage Society in respect of its proposals for the Old Town Hall. In response to the Council's proposals for a tenancy at will until such time as a lease was signed, Mr Neal advised that the Society did not agree to i. the proposed tenancy of will in respect of the main part of the building and ii. a new lease of the redundant female toilet and the disabled toilet. There was much discussion. The Mayor was of the view that the Council was making an excellent offer to the Society, ie the Society could occupy the property immediately under a tenancy at will, with no rates to pay as they were a charity and only the water and electricity charges. The Council would

pay the buildings insurance. It was suggested that an alternative rent may be more appropriate than the £2500 per annum initially proposed, which needed to be agreed. Following further discussion, it was agreed that the Council would be prepared to grant a tenancy at will until such time as a lease was entered into and the Council would abide by the decision of the Property and Land Working Group in respect of the amount of the rent to be charged. All other terms in the HOTS would remain the same and that it was not a requirement that the Society would be expected to carry out any major works on the building whilst occupying under a tenancy at will. It was agreed that the Society and members of the Property and Land Working Group meet to progress the matter

17/08/46

NEW LIBRARY/TOILET – UPDATE ON PROJECT RE COSTINGS AND OTHER MATTERS AND CONSIDERATION OF FINANCIAL REPORT PREPARED BY THE CLERK IN ACCORDANCE WITH THE COUNCIL’S FINANCIAL REGULATIONS

The Clerk had provided each councillor with a report of the finances pertaining to the library/information centre/toilets and accompanying schedules of payments. Cllr Pratt made it quite clear as to the role of the Clerk in this matter in that she was the Chief Executive of the Council and that the Council should note this fact and be guided by her accordingly. He advised that the Council was accountable in view of public funds being used and everything in connection with this matter should be done by the book. The Mayor went through the items of expenditure contained in a letter from Mr Palfrey which had been received today and provided an explanation for each item of expenditure. He had calculated there was a £3000 - £4000 overspend which was approx 5% over the contract price. However Cllr Pratt calculated the overspend to be in the region of 22%. It was agreed that in view of councillors having limited time in considering Mr Palfrey’s letter that the matter be deferred to the September Full Council Meeting and that the Clerk prepare information showing authorised and unauthorised payments to the contractors. There was also the additional costs of Mr Palfrey’s fee, and the cost of the library door which Libraries Unlimited (‘LU’) have declined to pay. However LU had offered the sum of £600 towards the costs of the door as a gesture of goodwill. The Clerk mentioned that the contract provided for five stage payments; however Mr Palfrey’s break down of figures provided for a ‘5A’ stage payment which had not been provided for in the contract and neither had it been sanctioned by Full Council. Cllr Pratt was concerned about unauthorised payments. The Mayor advised that he and the Deputy Mayor had had the authorisation of Full Council to run the project. The Deputy Mayor advised that during a build project ‘things happen’ and on the spot decisions have to be made. He also added that any large project having an overspend of 3% should be applauded. The Council had put into the project £15,000 and the builder’s monies had been paid.. He stated that lessons could be learnt from the project, and that the Council should now just move on. Cllr Giles asked whether notes of all meetings that had taken place with the contractors/architect, were available. The Mayor was not sure that any notes had been taken. It was also agreed that payment of a number of outstanding invoices the Council had received from a contractor should be put on hold. However the Mayor advised that when Mr Strawbridge had been paid, then he in turn would pay the contractor. The Clerk advised that invoices received from the electrical contractor, in respect of the toilet contract if paid, would also result in the contract price being exceeded

17/08/48

PAVILION STRAWBERRY LANE – CONSIDERATION OF RISK ASSESSMENT AND AGREEMENT BY THE COUNCIL FOR ANY RELATED COSTS TO BE INCURRED

Details of the recommendations contained in the Fire Risk Assessment Report had been e-mailed to all councillors. It was **RESOLVED** that the Council purchase two fire extinguishers and a fire blanket from its usual suppliers and that quotes be obtained for emergency lighting

17/08/49

CILCA COURSE UPDATE/REQUIREMENTS

It was understood that the Clerk would commence her course of study on 1st September. Until the Clerk attained this qualification the Council did not have the General Powers of Competence. Cllr Carter queried whether the fact that the Council did not have a Cilca qualified clerk would have implications for the Council as she was the Council's Responsible Financial Officer. However the Mayor assured him that there was no issues in this respect

17/08/50

OSM NEIGHBOURHOOD PLAN – UPDATE

A report of the NHP Working Group meeting which had taken place on 10th August had been circulated to all councillors

17/08/51

COUNCIL REPRESENTATIVES ON THE BUSINESS FORUM

Cllrs Pratt and Edwards had expressed an interest in becoming the Town Council's representatives. Cllr Giles proposed that both councillors should be the Council's representatives. Cllr Gori suggested that she had been excluded from the Business Forum in view of perceived conflict of interest issues (Town Councillor/Business Proprietor). She read out the contents of an e-mail she had received, in which the concerns of the Business Forum alluded to this fact. She expressed concern that this may happen to both Cllrs Pratt and Edwards if they were attending in both their personal and councillor capacities. Cllr Pratt wished to correct Cllr Gori's statement by stating that she had been asked to resign from the Business Form and the Chamber of Commerce, as in the case of the Chamber of Commerce there was a clear conflict of interest in what she was doing by putting council business on the Chamber's website. However Cllr Carter considered that Cllr Pratt was making personal allegations and he was stopped from speaking further on the subject. There were also concerns that as the Forum did not appear to be formally constituted, whether it was proper for councillors to be members of the Forum. It was agreed that the Clerk carry out an investigation of this point. Cllr Giles withdrew his proposal and requested that the item be placed on the September agenda. Cllr Gori provided an explanation as to the collapse of the Chamber of Commerce

17/08/52

CONSIDERATION OF SPECIFIC POLICY AND COMPLIANCE DRAFT DOCUMENTS AND CONSIDERATION OF PROPOSED POLICY FOR LENGTH OF TERM OF MAYOR, THE ROLE OF THE MAYOR AND THE ROLE OF THE CLERK

It was agreed that these items be taken together. It was understood from Cllr Edwards that there was nothing to report as no work had been carried out by the Policies and Compliance Working Group on the draft policies. There were many options that had to be considered in formulating the policy for the length of term for the Mayor. It was agreed that the item be deferred until a policy had been prepared to be brought before Full Council for further consideration. Cllr Gori advised, with regards to the other policies that had been prepared by the Clerk, that as the Clerk was not CILCA qualified, that she did not have the expertise to support the Working Group and that the Council would either have to wait until she was CILCA qualified or should seek help from a CILCA qualified Clerk. Cllr Giles expressed his disgust at Cllr Gori's statement. He stated that her remarks were unjustified and to suggest the Clerk was not qualified to give advice was outrageous and that the Clerk had been treated in the most appalling way. He was visibly upset and advised the meeting that he had no wish to remain and left. Cllr Pratt advised that Cllr Gori's statement had been unfortunate and unjustified and that Cllr Gori should apologise. Cllr Gori apologised indicating that this was the reason she had suggested the item be taken in private session at the start of the

meeting. Cllr Pang advised that in view of the complexity of the situation a meeting should be arranged attended by her colleagues whereby a consensus proposal may be put forward to Full Council no later than November. At this point mention was made by Cllr Carter as to the excessive number of items on the 7th August agenda and also items repeatedly being deferred. The Mayor advised that when Judith Reynolds was the Clerk that both he and Judith would go through the agenda together, prior to it being circulated. However as the present Clerk ran the agenda without his input, he therefore had no control as to the number of items to be considered. The Clerk tried to advise that this was not the case but the Mayor disputed this. Cllr Carter expressed his frustration at certain items being included on the agenda and being continually deferred. However the Clerk explained that the items had been included at the request of specific councillors

The Clerk felt unwell at this point and left the meeting

The following items were taken in Confidential Session

17/08/54

CONSIDERATION OF INTERNAL AUDITOR FOR 2017/18 ANNUAL AUDIT

17/08/55

TAR BARRELS

The Public part of the Meeting resumed

17/08/56

ANY MATTERS OF URGENCY BROUGHT FORWARD BY THE MAYOR (FOR INFORMATION ONLY)

There were none

17/08/57

TO RECEIVE COUNCILLORS' QUESTIONS

There were none

Meeting ended at 8.45 pm

Mayor's signature: Date:.....

DATE OF THE NEXT MEETING: TUESDAY 12TH SEPTEMBER 2017 AT 7PM AT THE TIPTON ST JOHN COMMUNITY HALL