

HADLEIGH TOWN COUNCIL

Minutes of the Meeting of the Council
held on the 21st February 2019

Present: Councillors: Matthews (Chair), Angland, Byrne, Cook, Fraser, Free, Haylock, Knock, Loftus, Monks, Sheldrick, Schleip, Shearly-Sanders and Wiltshire

In attendance: Suffolk County Councillor Fraser, Babergh District Councillor Grandon and 13 members of the public.

The Mayor informed Council that Mrs Muriel Andrews had passed away on January 2nd 2019. Mrs Andrews had been the Mayoress in 1975-76.

205. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Haines due to personal reasons. This apology was accepted.

206. DECLARATIONS OF INTEREST AND REQUEST FOR DISPENSATION

Councillor Fraser declared a non-pecuniary interest in Minute No: 216 – Finance & Personnel Committee – as he is Treasurer of the Royal British Legion.

Councillor Wiltshire declared a non-pecuniary interest in Minute No: 216 – Finance & Personnel Committee – as she is a signatory on the Skatepark Trust account.

Councillor Free and Sheldrick declared a non-pecuniary interest in Minute No: 216 – Finance & Personnel Committee – as they are members of the Hadleigh Dementia Action Alliance.

207. MINUTES

The Minutes of the Meeting of the Council held on the 17th January 2019, a copy of which is included in the Minute Book, were discussed in length. The outcome being:

Minute No: 184 – Budget 2019/20

There was a long discussion over the accuracy of this minute and why it had not been minuted that the Mayor did not allow any discussion regarding the Budget as the RFO could not be present as advised at the December meeting. It was pointed out that Councillors had been in receipt of the papers for at least two months and any questions could have been put directly to the RFO prior to the meeting as he had stated that he would not be available at the January meeting to answer any questions raised.

Councillor Wiltshire proposed that the wording:

The Mayor did not allow any discussion to take place.

Be added to the Minutes.

Voting was: 4 for and 10 against.

The motion was not carried

The vote to put the question to approve the minutes was proposed by Councillor Cook and seconded by Councillor Angland.

Voting was:

10 for and 4 against.

Voting to approve the minutes was:

For: Cllrs. Angland, Byrne, Cook, Fraser, Free, Haylock, Loftus, Matthews, Monks and Sheldrick

Against: Cllrs. Knock, Schleip, Shearly-Sanders and Wiltshire.

The Minutes were approved.

MATTERS ARISING

Matters Arising

At this point the meeting had become extremely heated with Councillors Knock, Wiltshire and Shearly-Sanders disagreeing with a number of items. Councillor Shearly-Sanders felt that the minutes were misleading stating that he 'declined to answer' – he stated that he was 'gobsmacked' at the question that had been raised and was shocked into silence.

Councillors were advised that comments were being made on the January minutes which had already been passed as a correct record.

Minute 183 – Minutes No: 165 and 166

Councillor Knock stated that in his opinion the meeting had not been properly adjourned and these minutes should not have been reinstated. He was advised that the Mayor had stated at the January meeting that the appropriate action had been taken and proven that the decision of the Council had been based on inaccurate information and therefore the Minutes stood.

The Mayor stated that he had had his actions verified by certain bodies but Councillor Knock stated that he too had taken advice which conflicted with that received by the Mayor. He did not state where the information had come from. Standing Orders were then raised by Councillor Shearly-Sanders who raised Cemetery Lodge at which point the Mayor objected and stopped any more statements being provided. Councillor Knock made reference to the recent employment of the Services Officer as he felt that no resolution had been made for the interview panel – the Clerk advised him that this had been received by Council and the proper procedures had been followed.

Councillor Schleip, at this point, asked that the meeting be adjourned for a period of five minutes in order for Councillors to calm down.

Councillor Byrne proposed that Council move on to the next item. This was seconded by Councillor Cook.

Voting was:

For: Councillors: Angland, Byrne, Cook, Fraser, Free, Haylock, Loftus, Matthews, Monks and Sheldrick

Against: Councillors Knock, Schleip, Shearly-Sanders and Wiltshire.

At this point the meeting was adjourned for members of the public to speak on: the minutes of the Town Council which one member of the public felt did not correctly reflect the meetings held; dangerous trees on Frog Hall Lane; coin machines in car parks; width of public footpaths; Cllr. Shearly-Sanders incorrect response in that he was heard to decline to answer the question raised at January's meeting and the unacceptable behaviour of Cllrs. Knock and Wiltshire at the January meeting.

208. POLICE

Councillors were in receipt of the monthly police newsletter. A correction was made that the next Police and Parish Forum on the 27th February will be held at the Community Centre, Laburnum Close in Pinewood – not Hadleigh as stated.

Councillor Fraser advised that he had contacted Tim Passmore about recent burglaries on the High Street and asked for the CCTV at the Kings Head roundabout to be reactivated.

The Clerk provided the lorry watch figures for the period 1st October 2018 to 31st December 2018:

Reports received:	13
Reports still being investigated:	1
Written Advice:	11
NFA (For reasons above):	14

209. REPORTS OF THE COUNTY & DISTRICT COUNCILLORS

Written reports had been received from Suffolk County Councillor Fraser, Babergh District Councillors Dr. Dawson and Campbell. Apologies had been tendered by both Babergh District Councillors.

Councillor Grandon requested that all members write to the District Council and support the Hadleigh view that parking charges should not be introduced. She reported on the recent Babergh magazine which had been delivered to all households in the District at a cost of 32p per household. She felt this was good value for money.

Councillor Fraser responded to questions on the newly formed Hadleigh Traffic Management Working Group. It is hoped that the inaugural meeting can be held in March 2019. Councillor Cook, as Chair of the Environment & General Purposes Committee put herself forward to represent Hadleigh Town Council on the group until such time as the new Council were elected.

Councillor Wiltshire felt it would be in the best interest of the Council to take up Councillor Dr. Dawson's offer to assist to move the cemetery extension forward. Councillors Schleip and Shearly-Sanders felt this would be advantageous but the majority of the Councillors did not feel this appropriate. It was pointed out that this was not an item on the agenda for discussion and Councillor Dr. Dawson could contact the Council direct if she required further information.

210. **MAYOR'S COMMUNICATIONS**

The Clerk reported that the forms for the election in May were available in the office. The forms cannot be dated before the 12th March when the official notice should be in place and must be lodged with the District Council by the 3rd April 2019. She had attended a training course on the election and advised all Councillors that as of the 7th May they would stand down.

The Mayor reported that he will be holding a Wine Quiz on Friday 29th March in the Town Hall Complex - £12.00 per person – tickets available from the Council offices.

211. **STANDING ORDER NO. 21**

Councillor Wiltshire asked the following questions:

1. I would like to follow up the question I sent in by email to the Mayor and Clerk on 8th February regarding the completed DCLG borrowing approval application form and associated papers.
Please provide the copy of the completed form and associated papers and documents.
2. In accordance with Section 56(4) of the Town and Country Planning Act 1990, in order to commence development, contractors need to carry out a material operation in association with the planning permission. There are five elements which constitute a material operation, comprising:
 - (A) Any construction work to erect a building;
 - (AA) Any demolition of the building;
 - (B) The digging of a trench to contain the foundations or part of the foundations of a building;
 - (C) The laying of underground mains or pipes to the foundations;
 - (D) Any works involved with the laying out or construction of a road or part of a road; and
 - (E) A material change in the use of the site.

Has there been a Material start or commencement of work on the cemetery extension relating to the planning permission of April 2015?

Please provide the paper trail which evidences that commencement has occurred including-

 - Any evidence of commencement including photographs (timed/dated) and emails and correspondence from engineers / contractors confirming the scope of the works and payment for the works

- Any letters of comfort exchanged between ourselves and contractors that development has commenced
 - Any documents which contain legal opinion from solicitors and /or Counsel as to the lawfulness of commencement
 - Should it exist a certificate of lawfulness to confirm the lawfulness of the works that have been done on site i.e. that they are in accordance with the permission
When was the material start agreed by council?
As councillors are aware, we are still to decide on our contractor. So-
Who did it?
How much were they paid?
When was this done?
3. When did this council resolve to draw down the money from the PWLB loan?
Where is it now?
Who decided to do this?
Why?

Councillor Shearly-Sanders asked the following questions:

1. At the Hadleigh Steering Group meeting on Tuesday 11th February it was noted that *The Good Councillor's Guide to Finance and Transparency* says for Capital Finance and Borrowing –
There may sometimes be larger projects, for instance the purchase of land, construction of buildings. This may require the council to borrow funds for the capital expenditure which will then be repaid over a number of years.
Major capital projects should not be embarked upon without a detailed feasibility report and a full financial appraisal being considered, covering funding sources, *cashflow forecast*, *revenue* and future budget implications.

Financial appraisals were asked for before a decision to go ahead. Additionally financial appraisals, including risk assessments, and business plans were asked for by both councillors and members of the public at the Annual Town Meeting at the end of April last year and subsequently. They have still not been provided.

In *A Guide to Parish and Town Council Borrowing in England*, published under the joint banners of the Department of Communities and Local Government and the National Association of Local Councils it is said that -

The council should have consulted local residents on the project and associated borrowing. The format of consultation with residents is a matter for the council to decide, however councils should note the following:

details of the project and plans for borrowing and loan repayment must be accessible to residents *from an early stage*,

decisions on borrowing must be taken in an *open and transparent way, following discussion in open meetings*,

inclusion of the matter on an agenda for a public meeting of the council will not, in itself, be considered sufficient evidence of consultation,

the council should ensure *that information about the progress of the project continues to be available to residents following the approval to borrow*,

- a Please confirm –
 - (a) when the detailed Feasibility Report will be available and published, and
 - (b) when the full Financial Appraisal will be available and published
- b Please confirm that Councillors will not be requested to approve results of any tender process or the letting of any contracts until at least the requisite reports are available and councillors have had a reasonable time to consider them so that they may be able to come to fully informed judgements
- c With the project having commenced well before planning permission was applied for in 2013, and the proximity of the commencement of the Purdah period for the election of the new Council, and further having regard to the result of the Town Poll (Referendum) last summer, please confirm that no contracts will be rushed through before the new Council takes office

2. HADLEIGH MARKET FOEFFMENT CHARITY (“HMFC” or “THE CHARITY”)

East Anglian Daily Times article projected on straight line basis potential Bank Account be reduced by anticipated losses to potential loss of approx. £6,500 end of September [2018]

7 June 2018 Chair of Charity (sitting in Finance Committee (Fin Comm) and without declaring an interest) as for Council rent to be increased to £17,169 and from 1 July to be paid monthly

Possible sign of financial problems at Charity

From Charity Commission website losses/ profit

2012	£586	2015	- (£1,726)
2013	- (£4,703)	2016	- (£11,732)
2014	£1,102	2017	- (£12,175)

Losses increasing – accumulated losses 2012-2017 inc - £28 738
 Why difficult to find – need number – as under Market Feoffment
 Charity at Charity Commission
 Town Council’s Budget Report 2010-2011 Fin Comm meeting 17
 Dec 2009

“10.2 proposed budget provision of £11,750 provides for grants to many local groups and *to cover losses by the Charity*”
 In Council’s Budget Report the “*Charity*” is neither identified nor is any obligation on the Council, as Trustee of the Charity, apparent and appears “well camouflaged” by references to local groups
 Clearly losses were anticipated at least as far back as December 2009.

The Town Council’s Budget Report 2019 -2020 Fin Comm 20 Dec 2018

“10.3 A proposed budget provision of £14,500 provides for grants to many local groups and to cover losses by the Charity”

From Town Councils Accounts (mentioned at Hadleigh Steering Group)[meeting on 11 February 2019] grants to community projects from [Town Council have been] reducing –

2016	£10,654
2017	£8,519
2018	£7,950

At Fin Comm on 14 February 2019 the Chair of the Charity [who should have disclosed an interest] asked for a grant of £5,000. Fin Comm recommended a grant of £2,000

Any payments under the budget allocation at para 10.3 for grants under the Councils general power of competence *will reduce the amount available to local groups.*

The Charity is supposed to generate income for distribution for general charitable purposes in Hadleigh not to receive subsidies to cover its losses from Hadleigh taxpayers through the Council

Insolvency remarks were made by public at Annual Town meeting [April 2018]

As both Mayor, and a feoffee of the Charity -

- 1 please explain why the Town Council, the present Trustee of the Charity, should provide financial support to the Charity which, as Trustee through the feoffees, it has allowed to drift into very serious financial difficulties which will reduce the budgeted funds available to help other local groups and charities

2 please explain why the Town Council, the present Trustee of the Charity, should provide subsidies to the Charity which, as Trustee through the feoffees, it has allowed to drift into very serious financial difficulties at the same time as running a venue in competition with other venues in Hadleigh

3 please say when the Charity is going to publish the "business plan" which the Mayor said at the Town Meeting (before the Town Poll) last summer, was being worked on.

Councillor Shearly-Sanders then attempted to read a long report on staffing matters. The Mayor interrupted and confirmed that he was the line manager for the staff. Councillor Shearly-Sanders disagreed and tried to continue with his report but was stopped and advised by the Chair of the Finance & Personnel Committee that this was unacceptable and was appalled as information could be misinterpreted and this should not be raised in the public section of the meeting. All staffing matters are confidential.

Councillor Knock asked why two agenda items he had requested had been refused by the Mayor and the Acting Proper Officer and why the Mayor had been involved in this decision when he had a disclosable pecuniary interest?

Councillor Schleip asked if there was a grant application form?

Councillor Monks advised that there wasn't one in place at the moment but this could be discussed at the next Finance & Personnel Committee.

Councillor Monks asked if these questions were being raised to filibuster in an attempt to prevent getting to the end of the agenda and, if so, this was not good Council business.

Councillor Shearly-Sanders ignored this statement and continued to raise further questions about the Hadleigh Market Feoffment Charity which the Mayor felt should be raised at a Charity meeting.

212. **ACCOUNTS FOR PAYMENT**

It was **RESOLVED** that accounts amounting to £81,672.64 including HMRC, Utilities, SCC Pension Fund and staff salaries, details of which are listed in the Schedule contained in the Minute Book, be approved for payment.

Questions were raised regarding the payments to Gill Associates, Hadleigh Market Feoffment Charity and the management fee for the Leisure Centre.

Voting to agree the payment schedule was:

For: Cllrs. Angland, Byrne, Cook, Fraser, Free, Haylock, Loftus, Matthews, Monks and Sheldrick

Against: Cllrs: Knock, Schleip, Shearly-Sanders and Wiltshire.

213. PLANNING COMMITTEE

The Minutes of the Meeting of the Committee held on the 7th February 2019, a copy of which is included in the Minute Book, were noted.

214. SPORTS & OPEN SPACES COMMITTEE

The Report of the Meeting of the Committee held on the 31st January 2019, a copy of which is included in the Minute Book, was received and accepted including the recommendation to review the cemetery fees annually and waive the fee for a Commonwealth War Grave stone.

A request was made to make resolutions more visible in the Committee reports.

215. ENVIRONMENT & GENERAL PURPOSES COMMITTEE

The Report of the Meeting of the Committee held on the 14th February 2019, a copy of which is included in the Minute Book, was received and accepted including the recommendation to spend £185 for an annual licence to access the National Tree Map.

Councillor Fraser pointed out that he had requested the milestone to be refurbished, not just cleaned. Councillor Byrne advised him of the reasons why the lettering had not be replaced.

Councillor Shearly-Sanders queried the end time of the two Committees. The Clerk advised that with the agreement of the two Chairs and the amount of business on the agendas, it made sense to hold the Environment & General Purposes Committee first.

216. FINANCE & PERSONNEL COMMITTEE

The Report of the Meeting of the Committee held on the 14th February 2019, a copy of which is included in the Minute Book, was received and accepted including the recommendation to make grants of:

It was agreed to recommend grants of:

- i) £206.96 - Hadleigh Town Guides
- ii) £1,400 - Great War Project – this is the unspent amount from the budget bid for this project.
- iii) £3,000 – Hadleigh Dementia Action Alliance

- iv) Fresh Start – the Clerk was asked to contact the charity for information on specific support for Hadleigh residents
- v) £300 – Hadleigh Community Choir
- vi) £250 – Suffolk Accident Rescue Service
- vii) £2,000 – Hadleigh Market Feoffment Charity

The request for this grant to the Hadleigh Market Feoffment Charity was questioned and had been made by the Chair of the Charity under Budget Item 10.3 which states that: A proposed budget provision of £14,500 provides for grants to many local groups and to cover losses by the Charity.

Voting for the HMFC Grant was:

For: Councillors: Angland, Byrne, Cook, Fraser, Free, Haylock, Loftus, Matthews, Monks and Sheldrick

Against: Councillors: Knock, Schleip, Shearly-Sanders and Wiltshire

Whilst Councillor Schleip felt that the £3,000 for the Dementia Action Alliance was a worthy cause, she raised the matter again of having a procedure and form in place for grant applications for amounts over £2,000. The Chair of Finance & Personnel advised that more of the applications were below this amount and felt that the item that appears every month in the Hadleigh Community News inviting grant applications was sufficient. A complicated form may deter small groups applying.

It was questioned as to why members of the Committee did not declare an interest when working on the Hadleigh Market Feoffment Charity. It was pointed out that as over 50% of the Committee are members they do not have to declare an interest.

The Chair pointed out that the Internal Auditor did not wish to carry on working for Hadleigh Town Council. It was agreed that SALC be asked to carry out the Internal Audit for 2019/20 at a cost of £455.

The Clerk requested full Council's approval on the resolution to sign the application from the Leader project to extend the local skatepark for £48,000 with a total spend of £72,000. Concerns were raised over the timescale by which this money would be received as Hadleigh Town Council would be making the payment before the monies was received. Information was provided that the money should be forthcoming within four weeks.

Councillor Cook proposed the motion.

Councillor Sheldrick seconded.

All were in favour.

Councillor Wiltshire abstained as she is a signatory on the skatepark account.

Council approved the recommendation for legal advice to be taken on the Questions raised by Councillor Wiltshire at a cost of £260 plus VAT. Councillor Monks and the Acting Proper Officer would attend an initial meeting.

Councillor Schleip proposed that Councillor Shearly-Sanders and/or Wiltshire also attend the meeting.

This was seconded by Councillor Shearly-Sanders

Voting was: 4 for; 8 against; 2 abstentions.

This meeting is an opportunity to obtain information and to report back to Council not to deal with the actual questions raised.

217. **MEETING DATE SCHEDULE**

The Meeting Date Schedule was approved. It was agreed to move the Planning Committee Meeting from the 2nd May to the 30th April in order that it could be held in the Dining Room if the room is available.

Voting was: 7 for; 4 against; 3 abstentions.

The Planning Committee Meetings in September, October and March would be provisionally booked into the Council Chamber so that a room was booked but with the proviso that the new Council could change this arrangement.

218. **ANNUAL TOWN MEETING**

A draft Agenda had been provided to Councillors. It was explained that there were legal requirements to be upheld in the advertising of the meeting so the Mayor had suggested that this would be an ideal opportunity for the residents to meet with the new Council. It was agreed that the first two items would be covered by the addition of the year 2018/19 in order that Councillor Matthews presided over these items.

Councillor Schleip asked if members of the public would have the opportunity to put forward agenda items. The Clerk confirmed that this is part of the procedure.

219. **REPRESENTATIVES**

Councillor Haylock reported on a recent Wool Town Association Meeting.

220. ETHICAL PROPERTY FOUNDATION

The Clerk reported that it would cost £900 to have a health check carried out by this organisation. It was agreed that this be held in abeyance for the new Council in May to make a decision as to whether to progress this matter.

Councillor Angland, as Chair of the Charity, reported that the Charity had decided not to progress this matter.

Councillor Knock stated that this was Charity business but the Clerk pointed out that Councillor Shearly-Sanders had requested this be investigated on behalf of the Council.

221. TOWN MATTERS

There were no town matters.

222. CIRCULARS AND REPORTS

- a) Hadleigh Community News – February 2019
- b) Local Councils Update – January/February 2019

At this point Councillor Byrne left the meeting.

223. Confidential Item - In pursuance of Section 2 of the Public Bodies (Admission to Meetings) Act 1960 the Press and the Public shall be excluded for the next item(s) of business on the grounds that it is likely to be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings.

Voting to go into confidential was: 9 for; 3 against and 1 abstention.

224. CEMETERY EXTENSION.

Councillors were in receipt of a report following the opening of the tenders.

It was agreed to proceed with the preferred contractor, subject to satisfactory confirmation that their tender is robust. If so their tender can be accepted but if we find that this is not the case it will revert back for further instruction.

Voting was:

For: Councillors: Angland, Cook, Fraser, Free, Haylock, Loftus, Matthews, Monks and Sheldrick

Against: Councillors: Knock, Schleip, Shearly-Sanders and Wiltshire

Agreement of the Licence Fee with the land owner for a site compound and temporary stockpile area for earth and topsoil was approved.

Voting was:

For: Councillors: Angland, Cook, Fraser, Free, Haylock, Loftus, Matthews, Monks and Sheldrick

Against: Councillors: Knock, Schleip, Shearly-Sanders and Wiltshire.

Councillors were provided with information relating to staff matters. It was agreed that an extra confidential meeting would be arranged to come to an agreement.

There being no further business the meeting ended at 10.15pm.

CONFIRMED

TOWN MAYOR