

BARRY TOWN COUNCIL

MINUTES OF A MEETING OF FULL COUNCIL HELD ON MONDAY, 8 FEBRUARY 2010 COMMENCING AT 7.00PM

PRESENT:- Councillor H C Hamilton (Town Mayor), together with Councillors B Brooks, G D Davey, P Drake, S C Egan, J Evans, K Evans, A D Hampton, N P Hodges, S A Hodges, K Kemp, K Kuhnell, K Lewis, L M Payne, B I Shaw (arrived late), T C Stenstrom and S T Wiliam

ALSO PRESENT:- Cliff Lewis – Deputy Executive Officer
Angie Norman –Administration

238. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors O Cash, E T Williams and M Wright and the Executive Officer.

239. **DECLARATIONS OF INTEREST**

Councillors P Drake, J E Charles, K Kuhnell and S T Wiliam declared personal interests in relation to all agenda items regarding the Memorial Hall & Theatre Trust by virtue of being Trustees. Councillor Drake also declared a personal interest in relation to all agenda items relating to the GMB Union.

Councillor Stenstrom asked members to consider agenda items 9 and 17(a) together. This was agreed.

240. **MINUTES OF THE COUNCIL'S MEETING HELD ON 9 NOVEMBER 2009 AND A SPECIAL MEETING HELD ON 25 JANUARY 2010**

a. **Minute 233(b) – 9 November 2009**

A question was raised as to whether this minute was correct. Some Councillors recalled the matter being discussed but did not consider that points 2, 3 and 4 had been resolved. However other Councillors considered that the minute was correct and that points 2, 3 and 4 had been resolved and indeed following the meeting acted upon. Councillor S Hodges stated that she was unhappy with the minutes and that she had taken the matter up with the Monitoring Officer at the Vale of Glamorgan Council and that it was also her intention to take it up with the Ombudsman.

Councillor Egan proposed that the minutes be approved subject to checking the minute takers notes on minute no. 233(b), this was seconded by Councillor Stenstrom.

Councillor S Hodges proposed that the minutes stand as submitted, this was seconded by Councillor Wiliam.

A vote was taken on the amendment the result of which was **5 for, 10 against and 1 abstention**. The amendment was declared LOST.

A vote was then taken on Councillor Egan's proposal the result of which was **13 for, 2 against and 1 abstention**. The motion was therefore CARRIED.

RESOLVED that the minutes of the meeting of Full Council held on 9 November 2009 be approved subject to checking the minute takers notes on minute no. 233(b).

b. **Minutes of Special Full Council held on 25 January 2010**

Concerns were raised over the amount of typing and grammatical errors in the minutes and Councillor S Hodges proposed that the minutes be referred back to the Executive Officer for him to look at the inaccuracies and correct them, this was seconded by Councillor Hampton.

A vote was taken, the result of which was **5 for and 11 against**. The vote was therefore declared LOST.

RESOLVED:

that the minutes of the Special Full Council meeting held on 25 January 2010 be approved subject to the following amendments:-

- i. That where the minutes state the Council's previous meeting had been held on 8 November 2009 they be amended to say "9 November 2009".
- ii. The last paragraph on page 877 be amended to read ".....no discussion on them."

241. **POLICE REPORT**

Inspector Louise Davies was present at the meeting to provide Councillors with any additional information that they may require further to that provided with their agendas.

One Councillor mentioned a dog attack that they had witnessed recently and expressed his unhappiness on how the police appeared to be dealing with the case. Inspector Davies provided the Councillor with her telephone number and suggested that he contact her during working hours when they could discuss the matter further.

The Mayor thanked Inspector Davies for attending, following which she left the meeting.

242. **COMMUNICATIONS FROM THE MAYOR**

The Mayor provided Councillors with a list of forthcoming events and hoped that Councillors would support him at those events. He also advised that a Councillor had inappropriately contacted his secretary via email with various comments and questions and suggested that should any Councillor wish to put any comments or questions to him in future they should contact him direct.

243. **QUESTIONS FROM COUNCILLORS**

The following questions had been received in accordance with the provisions of Standing Order 26:-

1. Councillor S Hodges asked the following:-

“In reference to the appeal made by Sunrise Renewables Ltd, Warrington, to site an installation of a 9mw wood burning energy plant at Woodham Road, Barry against the wishes of Barry Town Council and the Vale of Glamorgan Council.”

Councillor Egan provided the following response:-

“The whole matter of the planning appeal lodged by Sunrise Renewables is set out within the agenda for the Town Council’s next Planning Committee meeting on 9 February 2010, when the Council’s Committee will take a view based on the advice of its Planning Advisor as well as the financial and other implications of attendance at the formal appeal, plus possible representations at the appeal hearing.

It is important to note that the Town Council has already lodged its objections as part of the normal consultation processes, in that Barry Town Council was consulted on the Original application about one year ago (Jan/Feb 2009, if memory serves me correctly) and in that our objections will be made known to the Planning Inspector, along with a great deal of other information relating to this planning application/appeal. It might be that the Council’s Planning Advisor could take the view that it would be helpful for the Council to attend the appeal hearing at certain times and possibly “in person” to formally submit our objections, but I cannot imagine for one moment that he would recommend that the Council is in attendance throughout the appeal hearing, if at all!”

2. Councillor N Hodges asked the following:-

“Can I ask for an assurance that at no time in the last 5 years have events been held in either the Mayor’s Parlour or the Council Chamber involving the sale of alcohol for profit?”

The Mayor gave the following response:-

“I have made numerous enquiries from the regular users of the Mayor’s Parlour and the Council Chamber and it is my understanding that we have no knowledge of any incident in the last five years where any sale of alcohol for profit has occurred. If the Councillor has evidence to the contrary he should draw this to the attention of the correct authority, so that a proper investigation can be carried out.”

3. Councillor S Hodges asked the following:-

“At the next scheduled Community Liaison meeting at the Vale of Glamorgan, it is anticipated that a discussion will be held about Town and Community Councillor voting rights on that Committee. Is the Mayor willing to agenda a discussion paper in a relevant Committee of this Council prior to Community Liaison so that this Council’s formal views can be expressed?”

Councillor Egan gave the following response:-

“With regard to the Vale of Glamorgan Community Liaison Committee to be held on 24 March the agenda is not set and it would be wrong to assume what may be included in that Agenda. As far as the views of the Council are concerned regarding the Third Party Speaking Rights, this Council and previous Councils have debated at length the rights as recorded again in the Minutes of 9 November minute no. 219 and letters have been sent to the Welsh Assembly Government, Vale of Glamorgan Council and other Community Councils as requested by Council. So unless the Councillor has new information, which can be reported to Council via the Executive Officer or Leader, I see no point going over the same debate.”

Councillor Hodges clarified the question further stating that her question was in relation to voting rights and not speaking rights at the Community Liaison Committee meetings, to which Councillor Egan gave assurance that if discussions are considered necessary prior to that meeting then they will take place, however it was too early to make such a decision and until the Council have sight of the agenda for that meeting can make no decision.

4. Councillor N Hodges asked the following:-

“Can the Mayor enlighten Council over how this Council seeks legal advice? Is there any specific budget for the paying of this advice and are all steps taken to ensure that any advice sought is both legal and comes from regulated sources?”

The following responses were given to the various parts of the question:-

Councillor Egan

“The questioner is implying that the Council is in need of enlightenment regarding the obtaining of legal advice, when this is clearly not the case. If the questioner cares to refer to the agenda for the Resources Committee’s last meeting on 14 December 2009, he will be reminded of the fact that the Committee considered a detailed report from the Executive Officer on this whole subject. The report was considered in confidential session, but nevertheless I am happy to refresh the memory of those Councillors who serve on that Committee by pointing out that the Council currently obtains detailed legal advice on charitable matters from Loosemores of Cardiff. Furthermore and until recently, the Council obtained legal advice on more general issues via the Vale of Glamorgan Council’s Legal Department. The service level agreement between our two authorities has recently lapsed and as a result the Executive Officer has been asked to obtain competitive quotations from a number of solicitors operating in Barry, so that the Council can again obtain general legal advice from a specific source. This decision is reflected within the minutes of the Resources Committee’s last meeting, which are detailed within the Council’s agenda papers for this evening’s meeting.”

Councillor Stenstrom

“The Council’s budget for 2009/10 includes the sum of £2,000 within the Management & Support Services Division’s Cost Centre, for the purpose of covering legal fees incurred by the Council. The same sum is set out within the Council’s draft budget for 2010/11. Ongoing expenditure on legal fees is monitored on a regular basis by the Council and its Finance, Policy & General Purposes Committee at their scheduled meetings and at the Council’s monthly budget monitoring meetings.”

“The recognised regulator as far as legal advice is concerned is the Law Society. All practising solicitors must be members of the Law Society. All legal advice obtained by the Council is sought from practising solicitors.”

Councillor N Hodges stated that he felt it necessary to ask this question following advice that had been provided in a report at the recent special meeting of Council. He was concerned that any legal information received should be received from a suitably insured party to ensure that the Council has the ability to sue if that information is found to be inaccurate. Councillor Egan advised that the information provided had been obtained by the Executive Officer and in his opinion the Executive Officer had acted correctly at the time. Councillor Egan assured Councillors that when the Council receives legal advice that advice is only sought from sources with the appropriate insurance cover.

244. **QUESTIONS FROM THE PUBLIC**

In the light of the question asked by Councillor N Hodges is Barry Town Council happy that the advice received by the Executive Officer was received from a party with the correct indemnity insurance in case the advice received is proven to be incorrect.

RESOLVED: that the Leader would ask the Executive Officer to respond to Mr Kemp's question in writing.

245. **MINUTES OF THE AMENITIES COMMITTEE'S ORDINARY MEETING HELD ON 30 NOVEMBER 2009 AND A SPECIAL MEETING HELD ON 17 DECEMBER 2009**

1. **30 November 2009**

It was proposed by Councillor Brooks, seconded by Councillor Lewis and

RESOLVED: that the minutes of the Committee's meeting held on 30 December 2009 be received and noted.

2. **17 December 2009**

It was proposed by Councillor Lewis, seconded by Councillor Drake and

RESOLVED: that the minutes of the Committee's meeting held on 17 December 2009 be received and noted.

246. **MINUTES OF THE FINANCE, POLICY & GENERAL PURPOSES COMMITTEE'S MEETING HELD ON 18 JANUARY 2010**

It was proposed by Councillor N Hodges, seconded by Councillor S Hodges and

RESOLVED: that the minutes of the Committee's meeting held on 18 January 2010 be received and noted.

247. **DRAFT BUDGET & PRECEPT 2010/11**

Councillor Egan proposed that recommendations A and B(ii) of the Executive Officers report (agenda item 17a) be approved, Councillor N Hodges seconded the proposal.

Councillor Hampton requested Members to reconsider the precept increase to 2.25% due to the current financial situation in the United Kingdom and also due to there having been a reduction in the special projects for the Amenities Committee. Councillor N Hodges advised that those savings had already been taken into account when calculating the precept at 2.99%.

RESOLVED:

- a. that the budget for 2010/11, as amended by the Finance, Policy & General Purposes Committee at its meeting on 18 January 2010 be approved;
- b. that the precept to be levied on the Vale of Glamorgan Council for the 2010/11 year be £874,168, including an amount of £10,168 for an earmarked reserve for the cemetery extension phase 2, equating to £47.26 per Band "D" Council tax payer, an increase of 2.99% (£1.37) when compared with the £45.89 paid in 2009/10.
- c. that monies placed into the earmarked reserves for the cemetery extension be well publicised to ensure that the public are kept informed.

248. **MINUTES OF THE PLANNING COMMITTEE'S MEETINGS HELD 10 NOVEMBER 2009, 15 DECEMBER 2009 AND 12 JANUARY 2010**

It was proposed by Councillor Lewis, seconded by Councillor Payne and

RESOLVED: that the minutes of the Committee's meetings held on 10 November and 15 December 2009 and 12 January 2010 be received and noted.

249. **MINUTES OF THE RESOURCES COMMITTEE'S MEETING HELD ON 14 DECEMBER 2009**

It was proposed by Councillor Egan, seconded by Councillor J Evans and

RESOLVED: that the minutes of the Committee's meeting held on 14 December 2009 be received and noted.

250. **REPORTS OF REPRESENTATIVES ON OUTSIDE BODIES**

Councillors were advised that Councillor Cash had been experiencing problems with the YMCA and had expressed a wish to resign from the committee with immediate effect. Councillor Stenstrom advised that Councillor Hamilton had expressed an interest in becoming the Council's representative on that committee, but also made Members aware that this would result in the Council losing its vote on the Committee until any replacement had served one year.

RESOLVED:

1. that a letter be sent to the YMCA Barry Branch and the Parent Body expressing the Council's unhappiness about the way in which Councillor Cash had been treated and making them aware that she

had been made to feel unwelcome and that it hoped any replacement representative will receive better treatment;

2. the Parent Body of the YMCA be asked to provide a copy of its Code of Conduct and Constitution;
3. that a further Council representative be elected at the Annual Meeting in May 2010.

251. **MINOR AUTHORITY VACANCY**

RESOLVED: that Councillor Stenstrom be elected to represent the Council on the Cadoxton Nursery School Governing Body with effect from 1 April 2010.

252. **SCHEDULE OF PAYMENTS**

RESOLVED: that the Schedule of Payments for February 2010 comprising various direct debits and cheque numbers 105846 to 105869 inclusive, in the amount of £71,069.83 plus VAT of £2,957.62 be approved.

253. **NOMINATION OF MAYOR ELECT 2010/11**

It was moved by Councillor Egan and seconded by Councillor Stenstrom that Councillor Karl Kuhnell be nominated as Mayor Elect for the 2010/11 municipal year.

It was also moved by Councillor S Hodges and seconded by Councillor William that Councillor N Hodges be nominated as Mayor Elect for the 2010/11 municipal year.

A vote was taken, the outcome of which was:-

For Councillor Kuhnell – 11
For Councillor N Hodges – 5

RESOLVED: that Councillor Karl Kuhnell be nominated as Mayor Elect for the 2010/11 municipal year.

254. **NOMINATION OF DEPUTY MAYOR ELECT 2010/11**

It was moved by Councillor Egan and seconded by Councillor Stenstrom that Councillor Bronwen Brooks be nominated as Deputy Mayor Elect for the 2010/11 municipal year.

It was also moved by Councillor S Hodges and seconded by Councillor William that Councillor N Hodges be nominated as Deputy Mayor Elect for the 2010/11 municipal year.

A vote was taken the outcome of which was:-

For Councillor Brooks – 11
For Councillor N Hodges – 5

RESOLVED: that Councillor Bronwen Brooks be nominated as Deputy Mayor Elect for the 2010/11 municipal year.

255. **EXECUTIVE OFFICERS REPORT**

b. **FINANCIAL ASSISTANCE/ANNUAL GRANTS EXERCISE FOR 2010/11**

RESOLVED:

1. that the forms provided by the Executive Officer and the timescale for the awarding of grants be approved.
2. that the 2011/12 grant process be bought forward to allow applications to be considered in March each year.

c. **REPORT OF WORKING PARTY RE: DRAFT WELSH LANGUAGE SCHEME**

Members were requested to give consideration to the introduction of a Welsh Language Scheme by the Council in accordance with the Welsh Language Act 1993.

Councillor Wiliam suggested that following the Working Party's meeting due to be held on Tuesday, 9 February 2010, any decisions made at that meeting be implemented by Group Leaders via the urgent action provisions set out in Standing Order 112 and submitted to the Welsh Language Board no later than 12 February 2010.

Councillor S Hodges proposed that following the meeting on 9 February a draft version of the Council's Welsh Language Scheme be forwarded to the Welsh Language Board for their comments and to show that the Council is making progress.

Councillor Egan proposed an amendment to this motion as follows:-

That the draft copy be sent to the Welsh Language Board, along with a letter explaining why it is a draft, provided all three Group Leaders are in agreement.

Councillor S Hodges accepted the amendment.

RESOLVED:

That a draft copy of the Welsh Language Scheme, along with a letter explaining why it is a draft, be sent to the Welsh Language Board

provided all three Group Leaders are in agreement, following the Working Party's meeting on 9 February 2010.

d. **RECORDING OF TOWN COUNCIL MEETINGS**

Members were provided with further information and a Draft Policy with regard to the recording of future Full Council meetings.

Members could see the benefit of having Full Council meetings recorded and agreed with the idea in principle; however it was felt that it would be useful to have a policy in place before making any decisions. It was felt that the Council should be clear on the legal position with regard to the recording of meetings and the Council's position in relation to protection and the Freedom of Information Act.

At this point of the meeting a vote was taken to suspend Standing Order 109 for 20 minutes, the vote was LOST.

The meeting ended at 9.04pm.

Signed
(Town Mayor)

Date