

## **BARRY TOWN COUNCIL**

### **MINUTES OF A SPECIAL MEETING OF THE COUNCIL HELD ON TUESDAY, 19 MAY 2009 AT 7.00 PM**

Before the meeting took place it was unanimously decided that Councillor T C Stenstrom Chair the meeting in the absence of the Mayor. It was decided that the Deputy Mayor, Councillor K Kuhnell would not Chair the meeting as there was a conflict of interest.

**PRESENT:-** Councillor S C Egan (Chair), together with Councillors B Brooks, O Cash, G D Davey, S C Egan, J Evans, K Evans, A D Hampton, N P Hodges, S A Hodges, K A Kemp, K Kuhnell, K Lewis, L M Payne, and B I Shaw.

**IN ATTENDANCE:-** Derek Wolfe - Executive Officer  
Julie Hurd - Administration.

#### 177. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J E Charles, P Drake, H C Hamilton (Mayor ex-officio), S T William, E T Williams and M Wright.

#### 178. **DECLARATIONS OF INTEREST**

Councillors K Kuhnell and K Lewis declared personal interests in the Memorial Hall & Theatre Trust.

#### 179. **ORAL REPORT FROM THE CUSTODIAN TRUSTEE MEETING CONCERNING ATOS**

The former Leader of the Council stated that the Council had been let down by ATOS in their failure to attend the first planned tripartite meeting and that action now needed to be taken to take the matter forward. He stated that the contract clearly states that 12 months notice needs to be given for removal of the organ.

#### 180. **ATOS CONTRACT**

##### **RESOLVED:**

1. That a letter be sent ATOS advising the organisation that it had 12 months to remove the Christie Organ from the Memorial Hall & Theatre and that a letter be sent to the Memorial Hall & Theatre Trust Management Committee advising it of this decision.
2. That a press release be prepared, making it clear that a tripartite meeting had taken place to attempt to avoid the removal of the

Christie Organ from the Memorial Hall & Theatre but that those talks had failed.

3. That the press release be submitted to the three Group Leaders prior to its release.

181. **TERMS OF REFERENCE**

**Amenities Committee**

**RESOLVED:** that delegated power (d) set out in the paper attached to the Council's agenda be removed from the Amenities Committee's terms of reference as this paragraph was no longer relevant to that Committee.

**Resources Committee**

**RESOLVED:** that delegated power (a) be amended to read as follows:-

“.....superannuation benefits and gratuities, including grants, the provision of uniforms.....”

182. **EXCLUSION OF THE 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, it is advisable in the public interest that the press and public be excluded from the remainder of the meeting.

183. **DRAFT LEASE**

Councillors Kuhnell and Lewis left the meeting as they had previously declared an interest in this item.

The Council was advised that any amendments agreed to the Draft Lease today would be considered as changes to the final draft.

Councillor Kemp asked whether the Council had sought legal advice on the Draft Lease as she believed the Council as Landlord could not let to itself. Councillor Kemp indicated that she had spoken to the Land Registry who had advised that the Council could not be Landlord and Tenant. She felt that the Council should take the Draft Lease back to Loosemores for them to look at. It was also pointed out that the relevant provisions of the Landlord and Tenant Act had also been excluded from the Draft Lease. In response, the Executive Officer replied that the Council's solicitor had indicated that because of the Council's separate roles as Landlord by virtue of being the Custodian Trustee, whereas it was the tenant by virtue of its role as a local

authority, this was permissible in law provided this had been sanctioned by the Charity Commission, which it had.

The Leader of the Council welcomed Councillor Kemp's concerns and stated that the Council would discuss them with the Council's solicitor. He added that he was concerned about the length of time it had taken to get the Draft Lease to this stage and asked the Council for authority to carry out an investigation. The Leader also stressed that the Council should seek further legal advice for clarification and as protection for the Council.

Councillor Kemp suggested that a survey be carried out on the premises so that the Council have no clause in breach. The Executive Officer informed the Council that to the best of his knowledge a survey was last carried out in 2004. Councillor Stenstrom stated that Mr Tony Hate of Loosemores Solicitors was retiring on 31 May and he suggested that the Council make an appointment to see him as a matter of urgency.

**RESOLVED:** that Councillor Kemp put her concerns in writing to the Executive Officer to enable them to be presented to the solicitors as a matter of urgency.

184. **FUNDING AGREEMENT**

Councillor Stenstrom considered that the next three-year Funding Agreement needed to be in place by October 2009. The Leader informed the Committee that negotiations should be in place as soon as possible ready for next year. He asked that a letter be sent to the Memorial Hall & Theatre Trust to this effect.

The Leader asked to be given authority to choose two Councillors to assist him in negotiations with the Trusts representatives. A vote was taken, as follows:-

| <b><u>For</u></b> | <b><u>Against</u></b> |
|-------------------|-----------------------|
| 10                | 3                     |

**RESOLVED:** That the Leader be given authority to select two Councillors to assist him in negotiating with the Memorial Hall & Theatre Trust.

The meeting ended at 7.50 pm

Signed.....Dated .....  
(Town Mayor)