

LYDNEY TOWN COUNCIL

FULL COUNCIL MEETING – 2020/07/13 – 09

MINUTES OF THE LYDNEY TOWN COUNCIL MEETING held via Zoom¹ on Monday 13th July 2020 at 7.00 pm.

PRESENT: Cllrs W Leach (Chairman), J Carr, J Greenwood, A Harley, R Holmes, S Holmes, R Kemsley, P Macklin, A Preest, S Stockham and S Turner

District Cllr C Vaughan

Mrs T Tremlett, Lydney Community Support Group – Agenda Item 11

Six members of the public

Mr S Holley – Town Clerk

Miss C Wheeler – Assistant Clerk – Minute Taker

1. **APOLOGIES**

None.

2. **DECLARATIONS OF INTEREST**

None.

3. **APPROVAL OF MINUTES**

Cllr S Holmes proposed an amendment to the minutes to Item 4 – Mayors Report to remove the reference that the breach had been made by a member of the Personnel Committee. No objection was voiced to the proposal.

Cllr Preest proposed that the apologies which he had given by telephone via a Councillor be recorded as his absence was due to an inability to connect via Zoom. No objection was made to the proposal.

Cllr Leach advised that the minutes would be amended in line with the above.

Cllr Preest sought to query the minutes as it appeared that ‘Members Reports’ had taken place during the meeting without it being an agenda item. Cllr Leach confirmed that it had been included at Members’ request to include brief information reports with no decision items. Cllr Preest stated that only agenda items could be approved; he felt the minutes to be inaccurate and should not contain items if they were not shown on the agenda.

Cllr S Holmes advised that she had previously questioned if the Monitoring Officer had been contacted regarding the breach of information and had been advised by the Clerk that this had not been the case. Cllr S Holmes expressed dissatisfaction that a Councillor had been informed that they would be investigated by the Monitoring Officer.

Cllr Leach informed Members that the minutes were correct; that he was not aware of Councillor S Holmes’ point about a Councillor being advised that they would be investigated, which had not been sanctioned by Council; and that the Clerk was checking a procedural matter.

The meeting moved on without a motion for the approval of the Minutes.

¹ The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

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4. **OPEN FORUM**

With regard to the ‘Black Lives Matter’ (BLM) event held on 20th June 2020, a member of the public advised that the Council was the Trustee of the Bathurst Park and Recreation Trust by default; that the two responsibilities should not be mixed up; that the Council was governed by Local Government Law whereas the Trust was governed by the Charity Commission; that the Trust’s Constitution stated its aims were for charitable purposes, not for its land to be used for a political event; that the Trust had not complied with CC9 - Campaigning and political activity guidance for Charities; felt that if Town Council staff attended the event and were given time off the Council had contributed to the protest which Council were not legally permitted to do; stressed that the responsibility of the Police was to maintain and uphold the law not provide legal advice; that they had contacted the Chief and Superintendent who agreed with her view; stated that the Human Rights Act was suspended in times of Pandemic; that due to the attitude of the Clerk they had contacted the Charity Commission and the Independent Office for Police Complaints (IOPC); that the IOPC had agreed with her.

Cllr Leach advised that the BLM event had brought out strong feelings on either side; that the matter would be discussed under Agenda Item 12 later in the meeting. The member of the public advised that their actions had taken it out of the hands of the Gloucestershire Association of Parish and Town Councils as the Park was governed by the Charity Commission.

A member of the public referred to the item at Agenda Item 12 and questioned why the Council was considering engaging the Gloucestershire Association of Parish and Town Council (GAPTC) to conduct a review; stressed that it was not a Council event; that the event was a Trust event which took place on Trust land; felt that the Charity Commission should conduct the review and questioned if the Council had contacted the Charity Commission to inform them of the review.

The Clerk advised that members of the public had complained about the Council’s handling of the event (and that such complaints had been split for and against) and that a member of the public had informed him three weeks prior that they intended to submit a complaint to the Charity Commission. With the understanding that such complaint was proceeding, the Clerk’s view was that it was already in the hands of the Charity Commission to come back to the Council, not for the Council to contact the Charity Commission; and that if the Bathurst Park and Recreation Trust wished to conduct a separate investigation that would be up to the Trust to consider.

The first member of public who had addressed Council then highlighted that Councillors had posted comments on Facebook which they felt added to the evidence for the Police; that a political party had made the event political; that the Council had not sought legal advice as it had been advised by the Police and stated that the Secretary of State could not make a person hold an event on private land; that the political party Councillors had not supported the Town Council’s stance.

5. **ELECTION OF DEPUTY MAYOR**

Members were asked to elect a Deputy Mayor to serve until the next Annual meeting of the Council.

Cllr R Holmes proposed himself for the position. Seconded by Cllr S Holmes.
Cllr Kemsley proposed himself for the position. Seconded by Cllr Turner.

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The nominations were then put to a vote and Cllr Kemsley was duly elected with one abstention.

6. **APPOINTMENT OF CHAIR OF THE AMENITIES COMMITTEE**

Cllr R Holmes proposed Cllr Harley for the position. No other nominations were received; no objection was voiced to the proposal.

Cllr Harley was duly elected to the position.

7. **APPOINTMENTS AND CUSTODIAL RESPONSIBILITIES**

Members were asked to appoint a Lead Councillor to Lydney Recreation Trust. **Cllr Carr proposed** Cllr R Kemsley for the position. **Seconded by Cllr Leach.** Unanimous.

Cllr Harley informed Members of her intention to withdraw from Chairmanship of the Burial Committee due to her appointment earlier in the meeting to Chair of the Amenities Committee. The Clerk was requested to ensure that the matter was an agenda item for the next meeting of the Council.

Action by – the Clerk

8. **TOWN CLERK'S REPORT**

Prior to the meeting Members were provided with a copy of the Clerk's written report.

With regard to the 'Black Lives Matter' event Cllr Preest advised the Chief Inspector had stated the Trust had not been forced to allow the BLM event to go ahead, but had recommended that it seek its own legal advice. Cllr Preest questioned if the Clerk had followed the Chief Inspector's advice and who he had consulted. The Clerk advised that the entire advice from the Police had been forwarded to Trustees, a member suggested that independent legal advice be sought; however, this was not Seconded and therefore did not proceed to a vote. Consequently, the Police advice was followed by the Trust. That the Police advice came from the Constabulary's own Legal team and, furthermore, he had no authority to incur expenditure on legal expenses without authorisation. Cllr Preest felt that Cllr Leach's position to be untenable and felt that he should resign. Cllr Leach reminded Members that the Trust had voted to allow the use of its land and he called for the review by GAPTC to take place.

Cllr Holmes referenced the barriers which had been erected in Newerne Street recently and questioned if the Clerk had agreed to such. The Clerk reminded Members that the Council had been invited to submit suggestions on how the High Street could be invigorated following lockdown; that the Grants and Events Administrator had produced a report on initiatives which had been circulated to Members including widening pavements, which had not been questioned and that the barriers had been designed to allow access for disabled persons. Cllr Preest felt that the biggest issue was that Forest of Dean District Council had not consulted traders and the removal of the barriers was being addressed in Lydney and Coleford.

9. **FINANCIAL MATTERS/RFO REPORT**

Members were reminded that they had been provided with a copy of the financial documentation prior to the meeting for their review.

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9.1 Annual Governance and Accountability Return

Members were asked to approve the Annual Governance Statement for the Year Ended 31st March 2020. Vote carried with one abstention.

Members were asked to note the report of the Internal Auditor on the aforementioned accounts. Cllr R Holmes reported that the Internal Auditor had highlighted that limited numbers of Councillors undertook in-house audits. Cllr R Holmes felt that Members should be offered the facility to undertake such checks during evenings. The Clerk confirmed that he and the Finance Assistant had offered to arrange such evening sessions and the offer stood provided Members agreed to attend.

Members were asked to approve the Accounting Statements for the Year Ended 31st March 2020. Vote carried with one abstention.

9.2 Payments

Members were asked to approve the accounts for payment as detailed by the RFO (Appendix A); payments to be made by electronic means. Unanimously agreed.

9.3 Bank Mandate

Members were asked to approve the continued use of Lloyds Bank for the Council's banking requirements. Unanimously approved.

9.4 Internal Auditor

Members were asked to approve the continued use of Wildin's Accountants for Internal Audit purposes.

Responding to a question which had been raised in advance of the meeting, the Clerk advised that Wildin's & Co had been used since at least 2006 and that it was good practice to change auditors every so often. The Clerk suggested that the item be withdrawn to allow a procurement exercise to be undertaken to identify three organisations who would be capable of undertaking the role, the results of which to be considered at the September meeting. **Proposed by Cllr Leach.** Unanimously approved.

Action by – the Clerk

9.5 List of Standing Orders and Direct Debits

Members were asked to approve the list of Standing Orders and Direct Debits for various ongoing commitments by the Council. Vote carried with one abstention.

9.6 Delegation of Financial Authority for August Recess

Members were asked to consider bestowing Delegated Authority on the Town Clerk/Assistant Clerk to approve salaries and all other essential payments during the Council's August Recess. Unanimously approved.

The Clerk advised that the Council's grass cutting contractor had recommended that the Council cut back the vegetation/brambles on the footpath leading to the Harbour in the vicinity of the Railway station at a cost of £750.00 plus VAT. After a short discussion it was **proposed by Cllr Leach** that Delegated Authority would be bestowed on the Clerk to contact Officers at Forest of Dean District Council to ascertain if the work had already been included in the funding which had been allocated to the area; to investigate if the area was under the Council's responsibility; establish if the work could be undertaken by the Town Council's Groundstaff. Vote carried with one abstention.

Action by – the Clerk

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The Clerk advised that he had been contacted by Forest of Dean District Council regarding a promotional video to promote the High Streets in each of the Forest Towns. Members were asked to consider, in principle, if they wished to authorise up to £2,500 to be spent on such a video and the Clerk stressed that information on the proposal would be circulated to Members. Cllr Leach requested that Members be provided with information as to how the video could help the Town; Cllr Preest called for consultation to take place with Traders. Responding to a question raised by Cllr S Holmes, the Clerk advised that whilst funding had not been specifically allocated in the budget for such, the budget did include provision for advertising and highlighted that the work was classed as a Covid-19 activity as it would attempt to attract the public back into the High Street. Cllr Leach sought confirmation from Members that they were interested in pursuing the video. Unanimously agreed.

Action by – the Clerk

9.7 Replacement of the Hayter Mower

The Clerk emphasised that Members were not being asked for a decision so much as to initiate discussion and identify if members required any more information in addition to the circulated report on the options facing the Council. It was noted that the report contained input from the Head Groundsman.

During discussion the option to lease a new mower was referenced by Members as it was felt that it would be possible to bring some of the grass cutting in-house once the current contract had finished. The Clerk highlighted that the Bathurst Park and Recreation Trust had purchased the present Hayter mower second hand seven years ago, over which time it suffered a number of issues and expensive repairs. Members were advised that they would need to consider the options outlined in the report with the preference to lease a new machine over five years. Furthermore, Members were advised that they would be asked to consider agreeing to the Council continuing to provide a grass-cutting service free of charge for the Bathurst Park and Recreation Trust. The Clerk encouraged Members to forward their questions to him by the end of the week and that an Extra Ordinary meeting to decide how the Council would proceed would be convened on 27 July 2020.

Action by – all Councillors

10. GRANT REQUESTS

Cllr R Holmes advised that consideration of the grant applications which had been received would be deferred to the September meeting of the Finance & Scrutiny Committee.

11. LYDNEY COMMUNITY SUPPORT GROUP

Cllr Leach welcomed Mrs Tremlett to the meeting.

Mrs Tremlett advised that issues had been experienced with the delivery of food packages for those members of the public who were shielding which had resulted in a significant amount of deliveries not being made the previous week. Mrs Tremlett advised that she had contacted both Forest of Dean District Council and Gloucestershire County Council on the matter and that deliveries would be made on Friday. It was noted that those members of the public who were in receipt of shielding packages were not provided with any information as to who to contact if issues were experienced; Mrs Tremlett advised that Forest of Dean District Council should be contacted in such instances.

Mrs Tremlett stated that she continued to e-mail all volunteers and Councillors a weekly update and that two volunteers had now come forward to cover the delivery of shopping for

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those shielding and that Tesco had provided £150.00 of credit for the Community Support Group mobile.

Mrs Tremlett advised that she had contacted her current volunteers to ascertain if they would be willing to provide assistance to members of the community in the future (e.g. when people are discharged from hospital). A number of the volunteers had given a commitment to continue to look after their contact even after the current arrangement had finished and were also interested in getting involved in a longer-term arrangement. It was noted that Mrs Tremlett had provided all volunteers with a copy of the questionnaire which had been produced by Gloucestershire County Council in order that it may be completed by them. Furthermore, that a quantity of washable face coverings had been provided to the two Doctors surgeries in the Town.

As Vice Chairman of Gloucestershire County Council Cllr Preest expressed thanks to Mrs Tremlett and all the volunteers for their tireless work. Cllr Leach expressed the Town Council's thanks and appreciation to Mrs Tremlett and the volunteers and felt that their efforts demonstrated what could be achieved when people worked together.

12. **REVIEW OF THE COUNCIL'S HANDLING OF THE BLACK LIVES MATTER EVENT**

Cllr Leach reminded Members that the agenda item was no longer 'to note' and that the expenditure on the review was within the Council's budget.

Cllr Kemsley acknowledged that the event had caused lots of controversy which had not been the fault of the Mayor or the Clerk; and ultimately the event had been well organised and had passed without incident.

Cllr S Holmes requested that Cllr Kemsley's initial agreement to the event be put on record; stressed that it was not within the Council's remit to request that an event on Trust land should not proceed; that it was the responsibility of the Bathurst Park and Recreation Trust and its Chair to make decisions on Trust matters; that the organisers had said that the event would still proceed if consent were not given.

Cllr Preest felt that he had seen many ups and downs over the last 18 years, however, the actions surrounding this event had been the cause of the greatest embarrassment. He felt the mood of the Town to be low and expressed concern over the loss of four Councillors. Cllr Preest felt that NALC and the Charity Commission should also be provided with all the facts surrounding the event and requested to provide their view. Furthermore, Cllr Preest felt that a public meeting should be held in the Town Hall during which the Police and MP would be permitted to speak. Furthermore, Cllr Preest felt Cllr Leach's position to be untenable and he felt that the Trust had already set a precedent by cancelling Party in the Park. These views were not Seconded.

Cllr Leach felt that the Gloucestershire Association of Parish and Town Councils (GAPTC) might recommend that NALC be approached to provide an opinion if it could not itself conduct the review. Furthermore, that the organisers of the event had been asked to postpone but had refused to do. Cllr Leach apologised for any part he had played in the controversy surrounding the event but he stressed that the majority of Trustees had voted in favour of granting permission for the event.

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Members were then asked to vote whether they were for or against engaging GAPTC to conduct a review. Vote carried.

Action by – the Clerk

13. **BT PAYPHONE AT THE JUNCTION OF TEMPLEWAY WEST AND HIGH STREET**

Prior to the meeting Members were provided with copies of the proposal which had been received to remove the payphone out of service.

Members voted unanimously that they wished for the payphone to be retained due to its continued use which was evidenced in the proposal.

Action by – the Clerk

Members were then asked to consider if they wished to adopt the payphone if BT ultimately chose to remove it; if the decision was taken to adopt, Members were asked to further consider what the payphone could be used for. It was agreed that should BT decide to remove the payphone the matter would be brought back to the September Full Council meeting in order that Council may consider if they wished to take further action.

Action by – the Clerk

14. **COUNCIL WEBSITE**

In advance of the meeting Members had been provided with a quote for £1,628.72 for an upgrade of the website to replace a number of incompatible ‘plug-ins’ and to convert a number of pages to a format which would ensure that other Council Staff could be trained to perform the upload of documents. Unanimously approved.

Action by – the Clerk

15. **REPORTS**

Cllr R Holmes advised that complaints had been received over the failure to collect cut grass on Primrose Hill Mesne and he requested that the matter be an agenda item for the next Amenities Committee.

Action by – the Clerk

Cllr S Holmes called for the Council’s Community Grants Policy to be advertised in order that any groups in need of funding were aware of its presence. The Clerk reminded Members that the Council considered grant applications in June and would make enquires regarding how the Council previously advertised its grant process.

Action by – the Clerk

Cllr Stockham reported that he had received comments regarding the new cycle lanes. Cllr Preest requested that Cllr Stockham inform him of the specific comments which had been made and that it was hoped that the official opening of the cycleway would take place in September. Furthermore, that progress was being made on the Parkend route.

Action by – Cllr Stockham

Cllr Kemsley did not favour the barriers which had been erected in Newerne Street as he believed that members of the public needed parking. Furthermore, he felt that the pavements were wide enough to enable social distancing.

Cllr Preest advised that Forest of Dean District Council would meet on Thursday and he highlighted the issues which had been experienced with the 2015 Rapid Response Plan

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which he felt was no longer fit for purpose. Cllr Preest also advised that he had proposed a Motion regarding trains for Lydney and he was monitoring the reduced service which was currently provided.

Cllr Greenwood welcomed the news that Cllr Preest had walked the proposed Parkend route and that Gloucestershire County Council was supportive. Cllr Greenwood requested that consideration be given to holding a meeting of the Planning & Highway Committee via remote means. Cllr Preest requested that consideration be given towards holding a meeting prior to the August Recess.

Action by – the Clerk

Cllr Turner enquired how she could meet with Police to discuss allegations that members of the public being bullied/threatened in the Town. Cllr Leach advised that the Clerk would arrange a meeting between local Police Officers and Cllr Turner.

Action by – the Clerk

Cllr Leach advised that he had discussed the progress which was being made at the Harbour with an Officer at Forest of Dean District Council. Members noted the report on Lydney Harbour which had been provided by District Cllr Bernie O'Neill.

District Cllr Reports

Cllr C Vaughan advised that she had received enquiries from the electorate as to whether the Town Council was committed to an Employment Tribunal and questioned if it was not possible for both sides to reach an agreement. Cllr Leach advised that the Council was unable to comment due to legal reasons.

16. **PRESS RELEASE/PRESS STATEMENT**

Cllr Leach suggested that press releases could be issued regarding the engagement of GAPTC to undertake a review of the Council's handling of the Black Lives Matter event; Cllr Kemsley's appointment as Deputy Mayor; Cllr Anne Harley's appointment as Amenities Chairman.

17. **MEETING DATES**

It was noted that an Extra Ordinary meeting of the Full Council would take place on Monday 27th July 2020, thereafter the next scheduled Full Council meeting would take place on Monday 14th September 2020 at 7.00 pm via Zoom.

It was also noted that attempts would be made to hold a Planning and Highway Delegated Powers meeting prior to August.

The Assistant Clerk left the meeting at this point.

CLOSED SESSION

Page 18 (Inclusive) Confidential Minutes

18. **MOTION TO EXCLUDE THE PUBLIC AND PRESS**

The Council resolved to continue in 'Closed Session' under the provisions of The Public Bodies (Admission to Meetings) Act 1960 as the following business to be conducted was considered to be of a confidential nature.

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19. **CONFIDENTIAL MINUTES OF PREVIOUS MEETING**
Approval of the confidential minutes from the closed session on 8th June 2020 was proposed by Cllr Leach. Unanimous.

20. **STAFF MATTERS**
Details available in the Confidential Minutes only.

The meeting closed at 9.15pm

Chairman

Date

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Appendix A

Purchase Ledger for Month No 4

Order by Invoices Entered

Invoice Date	Invoice Number	Ref No	Supplier A/c Name	Supplier A/c Code	Net Value	VAT	Nominal Ledger Analysis				Analysis Description
							Invoice Total	A/C	Centre	Amount	
24/06/2020	443734	86	CHARLES SAUNDERS	CHAR001	153.60	14.53	168.13	4185	150	132.70	PPE Gloves/Sanitizer
								4185	150	20.90	Additional Cloths
22/06/2020	MISC/ATB/342	87	COINROS	COI001	273.63	54.73	328.36	4490	400	273.63	Additional Items for Troughs
22/06/2020	MISC/ATB/339	88	COINROS	COI001	2,197.94	439.59	2,637.53	4500	400	2,197.94	Coinros Contrat Summer Bedding
22/06/2020	MISC/ATB/340	89	COINROS	COI001	579.76	115.95	695.71	334	0	579.76	LIB Beds
30/06/2020	8030	90	LIGHT FANTASTIC	LIG001	43.02	8.60	51.62	4300	200	43.02	Cemetery Water Repair
25/06/2020	3454	91	MAKINSON	MAK001	57.00	11.40	68.40	4055	100	57.00	June Payroll Costs
30/06/2020	IN72622	92	MINCOST	MIN001	33.26	6.65	39.91	4300	200	33.26	Strimmer Cord
14/05/2020	IN69123	93	MINCOST	MIN001	33.26	6.65	39.91	4300	200	33.26	Strimmer Cord
17/06/2020	LGWHFG9M	94	NPOWER	NPO001	814.80	162.96	977.76	505	0	814.80	C/F Christmas Electricity
30/06/2020	I56595	95	OFFICE STAR	OFF001	332.44	66.48	398.92	4185	150	88.20	Hand Sanitizer
								4155	150	244.24	Stationery
29/06/2020	3623	96	P B SAFETY	PBS001	122.85	24.57	147.42	4185	150	122.85	Face Covers/Hand Wipes/PPE
25/06/2020	127204	97	PEAR TECHNOLOGY	PEA001	275.00	55.00	330.00	4135	150	275.00	Annual Support and Updates
17/06/2020	4410	98	PLANTSCAPE	PLA001	932.75	186.55	1,119.30	4490	400	932.75	3 Planters
03/06/2020	28100	99	RIALTAS	RIA001	2,409.00	481.80	2,890.80	4130	150	1,348.40	Software Installaion/Licences
								4130	150	262.60	Software Installaion
								4060	100	798.00	2 Days Training
04/06/2020	15511	100	REVILL	REV001	92.78	18.56	111.34	4515	400	92.78	Bearings/Pulley Repair Stiga
30/06/2020	2821	101	RICHARD COLE	RIC001	7,670.56	1,534.11	9,204.67	4450	400	7,670.56	Town/Gateways/Harbour/Playarea
30/06/2020	17745	102	TATE	TAT001	70.00	14.00	84.00	4130	150	70.00	Remote Log in access CWICEHW
30/06/2020	17788	103	TATE	TAT001	37.50	7.50	45.00	4130	150	37.50	Hire of Lap Top for Town Clerk
01/07/2020	17896	104	TATE	TAT001	82.00	16.40	98.40	4130	150	82.00	Mthly Mailbox Charges
30/06/2020	0856 AGX764	105	TRAVIS PERKINS	TRA001	6.20	1.24	7.44	4300	200	6.20	Copper Conversion Set - Water
01/07/2020	LTC	106	EXPENSES	EXP001	20.00	0.00	20.00	4165	150	20.00	Mobile Top Ups JY/PE
TOTAL INVOICES					16,237.35	3,227.27	19,464.62			16,237.35	