

LYDNEY TOWN COUNCIL

FULL COUNCIL MEETING – 2016/01/18 – 104

MINUTES OF THE EXTRA ORDINARY TOWN COUNCIL MEETING held in the Council Chamber, Claremont House, Lydney on Monday 18 January 2016 at 7.00 pm.

PRESENT: Cllrs B Berryman (Chairman), J Greenwood, C Harris, H Ives, C Legg, B Pearman, A Preest, D Pugh, D Street and C Vaughan

Mrs J Smailes – Chief Executive Officer (CEO)

Miss C Wheeler – Executive Officer (EO)

Cllr Berryman informed all present that no practice fire evacuation had been scheduled for the duration of the meeting. All attendees were then informed of the locations of the nearest fire exits.

1. **CO-OPTION**

Members noted that the item had been deferred and the current Councillor vacancy would continue to be advertised.

2. **APOLOGIES**

Apologies for absence were received and noted from Cllrs Beddis, Biddle and Christodoulides.

3. **DECLARATIONS OF INTEREST**

Cllrs Preest and Harris – Agenda item 4 – 2016/2017 Budget/Precept Submission

4. **2016/2017 BUDGET/PRECEPT SUBMISSION**

Overview of Meeting with Local Billing Authority

Prior to the meeting Members were provided with a copy of the legal advice obtained from Hedleys Solicitors (Wellers Law) which deemed that the Local Billing Authority had acted *ultra vires*, as it was for Parish and Town Councils to determine how they wished to apply/off-set the Local Council Tax Support Grant (which was to be shown as “known income” in their budget calculations).

Cllr Ives reported that he, together with Cllrs Berryman, Pearman and the CEO had attended a meeting on 14 January 2016 with representatives of Forest of Dean District Council, Coleford Town Council, Cinderford Town Council, Newent Town Council and Gloucestershire Association of Parish and Town Councils (GAPTC).

Cllr Ives provided Members with an overview of the meeting and highlighted that the Chairman of GAPTC had been dismissive of the legal advice which had been provided by Hedleys and had supported Forest of Dean District Council. Members noted that during the meeting Forest of Dean District Council had agreed to pay the Local Council Tax Support Grant (LCTS) for 2016/2017 separately to that of the Precept. Cllr Berryman advised that both Cinderford and Coleford Town Councils were supportive of Lydney Town Council’s approach.

The CEO informed Members that Forest of Dean District Council had agreed to ensure that the Town Councils Precept for 2016/2017 was correctly shown in the Council Tax booklet, however, a problem still existed with how the current financial year figure would be shown in comparison.



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Cllr Pearman highlighted that Lydney Town Council's Precept figure had been misrepresented in Council Tax booklets for a number of years as it had shown the Council's Precept minus the Local Council Tax Support Grant. Furthermore, it had been necessary for Hedleys to speak directly with the Section 151 Officer at Forest of Dean District Council before they would agree to pay the Local Council Tax Support Grant separately to that of the Council's Precept for 2016/2017. However, Lydney Town Council felt that the same approach should have been adopted from the inception of the LCTS Grant for 2015/2016 financial year – a point disputed by the Local Billing Authority.

Speaking in his capacity of District Councillor, Cllr Preest advised that he and District Cllr Harris would pursue the letter which they had submitted to Forest of Dean District Council which had called for all Parish and Town Councils to be informed; that it was for each Council to determine how it wished to off-set its LCTS Grant, not the Local Billing Authority.

Members were provided with an overview of the Council's Budget and Precepts since 2013/2014 financial year and it was noted that for each year the Local Billing Authority had shown the Council's Precept minus the LCTS Grant in its Council Tax booklets, which was incorrect and could be evidenced as such. The impact that this practice would have following the withdrawal of the LCTS grant was explained to Members (i.e. it would be shown as a substantial percentage increase in the Precept, even if the Council's Precept was to remain unchanged from the previous year) which may force a Referendum ref Parish and Town Councils were eventually "capped".

During discussion it was felt that as Forest of Dean District Council had agreed to pay the LCTS for 2016/2017 separately to that of the Precept, efforts should be made to pursue the LCTS grant which should have been payable separately to the Precept for the 2015/2016 Financial Year. That whilst Lydney's electorate had not been disadvantaged in Financial Year 2015/2016, it was evident that two Precept instalments had been received but the semantics would suggest no LCTS Grant was received.

It was **proposed by Cllr Harris, seconded by Cllr Ives** that a limit of £2,500 would be placed on legal fees relating to the issue. Unanimous.

Action by – the CEO

It was **proposed by Cllr Ives, seconded by Cllr Pugh**, that the Mayor would write to GAPTC's Executive Committee expressing the Council's disappointment over the position taken by GAPTC's Chairman during the meeting with Forest of Dean District Council; questioning what mandate the Chairman possessed for not authorising GAPTC's Chief Executive Officer to disseminate the information gained from Hedleys to all Member Parish and Town Councils; questioning why GAPTC had chosen not to support Parish and Town Council's regarding the matter. Unanimous.

Action by – the CEO

4. **2016/2017 BUDGET/PRECEPT SUBMISSION**

Members were informed that the Council's 2016/2017 Budget/Precept submission had been "called in" under the six month by Cllrs Berryman, Pearman, Ives, Preest and Biddle.

Members were provided with a copy of the proposed budget for 2016/2017 and were asked to consider a number of scenarios regarding use of "predicted" and "known

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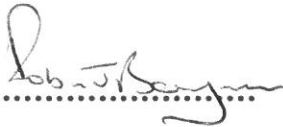
income”. After a short discussion it was **proposed by Cllr Harris, seconded by Cllr Vaughan**, that the Budget for 2016/2017 would be £546,290; the Precept Demand would be £491,048. Unanimous.

That the Council would receive a separate LCTS Grant of £40,950 in April 2016. Noted.

It was **proposed by Cllr Pugh, seconded by Cllr Harris** that the CEO would be instructed to submit the Council’s revised Precept to the Local Billing Authority providing only it Precept Demand figure. Unanimous.

Action by – the CEO

Meeting closed at 7.55 pm

Chairman 

Date 9/2/2016