

BRACKLA COMMUNITY COUNCIL



Minutes of Full Council meeting held at 7:00pm on Thursday, 20th April 2023

This meeting was held on a remote basis in accordance with the provisions of The Local Government and Elections (Wales) Act 2021

Members Present

Cllr S Griffiths (Chairperson)
Cllr E Caparros
Cllr K Hughes
Cllr K Hoy
Cllr W Kendall
Cllr L Lewis
Cllr J Nuth
Cllr M Payn
Cllr R Smith
Cllr J Spanswick

Others Present

Mr M Evans – Clerk to the Council
Miss H May – Administrative Officer
Mr P Ley – Responsible Finance Officer
Eight members of the public.

181. To receive Apologies for absence

Cllr J Llewellyn-Hopkins

182. To receive Members' Declarations of Interest in respect of the business to be transacted

Cllr S Griffiths declared a prejudicial interest in relation to item 195, Planning, as he is a Member of Bridgend CBC Development Control Committee. He agreed to leave the meeting for this item.

Cllr W Kendall declared a prejudicial interest in relation to item 195, Planning, as he is a Member of Bridgend CBC Development Control Committee. He agreed to leave the meeting for this item.

Cllr J Spanswick declared a prejudicial interest in relation to item 195, Planning, as he is a Cabinet Member responsible for Communities. He agreed to leave the meeting for this item.

Miss H May declared a prejudicial interest in relation to item 191, a discussion about her contract of employment. She agreed to leave the meeting for this item.

183. Public Questions (limited to 10 minutes – S/O 3g)

There were no questions raised

184. To agree Minutes of the Full Council Meeting – 23rd March 2023

Cllr Hughes declared that the draft minutes of the previous full council meeting were not accurate in that no formal apology from Cllr Phelan was received and that by not submitting an apology, Cllr Phelan was effectively admitting that she was disqualified from further acting as Councillor.

Cllr Griffiths suggested that the draft minutes be adjusted to reflect that Cllr Phelan's apologies were received and accepted but at a later agenda item than at a start of the meeting.

Cllr Hughes commented that Cllr Phelan's apology was not circulated to members at the previous meeting. Cllr Griffiths responded that the apologies were submitted to the acting Clerk & the acting Chair and that these were accepted by the Council in a later motion towards the conclusion of the meeting.

Cllr Payn asked the former acting Clerk whether she had sighted Mrs Phelan's apology & in response, this was confirmed.

Cllr Griffiths advised members that under the Council's Standing Orders, they are only allowed to speak once on an individual agenda item.

Cllr Payn asked for clarification as to whether the Council had previously voted on Cllr Phelan's apologies or extending her absence. Cllr Griffiths advised that he recalled that the Council voted on accepting Cllr Phelan's apologies and that the wording in the minutes should be amended to reflect this.

Cllr Lewis voiced her discontent with the draft minutes but did not propose a specific amendment.

Resolved:

The minutes were approved (with the inclusion of discussed amendment regarding Cllr Phelan's apologies), this was proposed by Cllr J Spanswick and seconded by Cllr E Caparros

185. To note Matters arising not addressed elsewhere on the agenda – Clerk's report

The Clerk provided the following updates to Members:

The Clerk thanked the members for the warm welcome he had received during his first two weeks in office. He provided details of his public sector background & advised that he previously worked on both the external and internal audits of Brackla Community Council.

With regard to the Clerk's professional training, both One Voice Wales & Society of Local Community Councils are keen for him to attend initial training before tackling the CILCA qualification. Accordingly, the Clerk has registered to attend the introductory online ILCA training.

The Clerk had received an email from Jamie Wallis MP regarding the playground adjacent to the Community Centre. Mr Wallis had received reports of broken glass on the ground, a swing that is in need of replacement and repairs that are needed to one of the "play camels". Having inspected the playground, the Clerk advised Mr Wallis that there was no glass currently on the ground and that the Clerk would make further enquiries regarding the repairs needed to the playground equipment.

186. Matters pertaining to Community Centre

The Administrative Officer confirmed that the Community Centre refurbishment would commence on 2nd May and reopen on 28th May 2023.

The Administrative Officer and the Clerk met with representatives from the Probation Service who are to carry out painting & decorating work at the Community Centre free of charge. The Council will just need to purchase materials & dustsheets.

Quotes have been obtained for a new kitchen hatch to comply with fire regulations (£3,403) and vinyl flooring for the foyer & committee room (£3,470). Whilst this work was not included in the original schedule of works, the RFO advised that there are sufficient funds in the budget to finance these purchases.

Cllr Lewis proposed discussing the above matter at a meeting of the Community Centre Committee. It was pointed out by the acting Chairman that this would involve the matter coming back before the Council in a month's time and would delay the above work for at least a month.

Cllr Spanswick proposed an alternative amendment approving the kitchen hatch and vinyl flooring replacement.

Resolved:

Following a vote on Cllr Lewis's motion which resulted in 5 for and 5 against, the acting Chair cast the deciding vote and the amendment was defeated.

Cllr Spanswick's amendment was approved by 5 votes to 4 with one abstention.

187. Matters pertaining to Finance, Governance and Administration

a. To receive YTD Financial Accounts as at 31 March 2023

Resolved:

The Council's Accounts were approved unanimously, this was proposed by Cllr E Caparros and seconded by Cllr R Smith.

b. To note Bank reconciliation as at 31 March 2023

Resolved:

The bank reconciliation was approved unanimously, this was proposed by Cllr J Spanswick and seconded by Cllr R Smith.

c. To note Payments made during the previous month

Resolved:

The list of payments was approved unanimously, this was proposed by Cllr M Payn and seconded by Cllr J Spanswick.

d. To approve Payment schedule as presented

The following schedule of cheque payments for authorisation were presented;

<u>Date</u>	<u>Cq No</u>	<u>Amount</u>	<u>Payee</u>	<u>Details</u>
1.4.23	205131	1,100.00	Gunn Deliveries	Newsletter
1.4.23	132	98.40	Fire Safety Direct Ltd	Inspection and Test
1.4.23	133	49.14	Eureka!	Gel/Dressings/Scissors
1.4.23	134	343.44	Jennifer Griffiths	Temporary Staff
1.4.23	135	200.00	Audit Wales	Audit Fee
1.4.23	136	102.32	Viking	Cleaning Materials
1.4.23	137	349.44	JRB Enterprise Ltd	20,000 x poop scoop bags
1.4.23	138	116.74	NWS Ltd	Excess waste
1.4.23	139	803.47	NWS Ltd	Waste Collection
1.4.23	140	260.00	Nolan	Skip Hire
3.4.23	141	343.44	Jennifer Griffiths	Temporary Staff
5.4.23	142	343.44	Jennifer Griffiths	Temporary Staff
12.4.23	143	343.44	Jennifer Griffiths	Temporary Staff
13.4.23	144	222.00	Action Doors	Automatic Doors Service
17.4.23	145	1,300.20	Clerk	Wages
17.4.23	146	159.46	RFO	Part Wages
17.4.23	147	1,056.58	Admin Officer	Wages
17.4.23	148	109.10	Centre Caretaker	Part Wages
17.4.23	149	1,008.40	RCT	Pension
17.4.23	150	470.17	HMRC	Tax / NI
17.4.23	SO	939.01	RFO	Part Wages
17.4.23	SO	148.25	Centre Caretaker	Part Wages
17.4.23	SO	401.71	Centre Caretaker	Part Wages
18.4.23	151	144.00	SLCC	Clerk Exam Fee
18.4.23	152	318.00	A1 loo hire	Toilet x 3 Fun Day
19.4.23	153	1,708.83	MS Property	Grounds Maintenance
		<u>12,438.98</u>		

Resolved:

The schedule of cheque payments was approved unanimously, this was proposed by Cllr K Hughes and seconded by Cllr E Caparros.

188. To agree proposal for suppliers for Brackla Funday 2023

The Administrative Officer advised that she had previously distributed quotes from a number of suppliers to members. The largest expenditure item was for the provision of inflatables for £3,000. This takes the spend for the Funday over budget.

Cllr Spanswick commented that this is the 25th anniversary of the first Funday and that the Council should approve the extra spending on this occasion.

The Administrative Officer advised that all rides at the funfair will be free of charge for all attendees.

The RFO suggested transferring £1,000 from General Reserves to the Funday.

Resolved:

The quotes from the suppliers for the funday were approved unanimously, this was proposed by Cllr J Spanswick and seconded by Cllr E Caparros. The transfer of £1,000 from General Reserves to the Funday was also approved unanimously, this was proposed by Cllr J Spanswick & seconded by Cllr R Smith.

189. To discuss handling and disposal of waste and possibility of extension of waste storage and extra bin

The Administrative Officer advised that the Council currently has two large wheelie bins that are kept in a storage area at the bottom of the Community Centre car park. These bins are currently emptied once a week by a waste company. This company has recently advised the Council that the weight of the bagged up rubbish in these bins is excessive.

The Administrative Officer advised that residents have been dumping their own rubbish in the two bins (whilst the bins are out waiting for collection). Our contractor advises that a second weekly collection of rubbish is not possible but they could supply a third bin to accompany the existing two at a total monthly cost of £591.51 + VAT. If this option is pursued, then the current bin storage area may have to be extended with a roof installed, and quotes for this work will need to be obtained.

Cllr Hughes commented that the matter of the bins had come to light as a result of a complaint from a resident of Tremains Court that excess rubbish (including food waste) had led to rats being attracted. The RFO commented that this was the result of a one-off incident where our groundsman had put the bins out in the morning for collection at 8:30 am anticipating a 10am collection, when in fact the refuse collection company turned up at 8:20 am.

Cllr K Hughes & Cllr J Spanswick have both previously contacted BCBC in an attempt to set up an SLA for the County Borough Council to empty Brackla's two (or three) bins on a weekly or twice weekly cycle.

Resolved:

The Clerk is to write to BCBC to seek a SLA for the collection of rubbish from Brackla CC's bins and will also write with an update to the recent complainant. This was agreed unanimously having been proposed by Cllr K Hughes & seconded by Cllr M Payn.

190. The renewal and extension of the Grounds Maintenance Contract

Cllr K Hughes advised that the Grounds Maintenance contract expired on 31st March 2023.

The Clerk advised that he has drafted a 12-month renewal of the contract on the same terms as previously, with the only changes being the insistence that the contractor provides a full schedule of work carried out when submitting his monthly invoice to our RFO, and that high visibility vests (which the Council will supply) will be worn at all times by the Contractor and his staff.

Cllr J Spanswick commented on the need to stringently monitor health and safety requirements throughout the year.

The Clerk confirmed that the contractor has been asked to supply full Risk Assessments.

The Clerk is to review the Council's bedding plant contract by the date of the next full meeting of the Council.

Resolved:

The motion to renew the grounds maintenance contract for 12 months was unanimously approved having been proposed by Cllr K Hughes & seconded by Cllr Spanswick.

191. Clarification of the Administrative Officer's contract

The Clerk advised that the Administrative Officer had been working for the Council for over 4 years (since 18th March 2019) on a fixed term contract. This contract expired over 12

months ago. The Clerk confirmed that no financial details regarding the Administrative Officer's contract would be discussed at this meeting.

The Clerk advised that he and the acting Chairman had reviewed relevant employment law which states that anyone being employed on a fixed term contract for four years or more, is deemed to be a permanent employee of that organisation.

The Clerk acknowledged the sterling work carried out by the Administrative Officer whilst operating as the Acting Clerk over the past 12 months and the continuing vital role she plays in overseeing the Community Centre and the organisation and running of the Council's yearly events.

The Clerk advised that the Administrative Officer is happy to return to the weekly schedule that she worked prior to working as Acting Clerk, namely, 18 hours a week.

The acting Chairman advised that under employment law, the Council is unable to give the Administrative Officer a fixed term contract due to the fact that she has been employed at Brackla for over four years. Cllr Hughes queried this and stated that since the Administrative Officer was originally employed as an Apprentice, the four-year period did not apply in this instance.

The acting Chairman provided clarification regarding the Council's Standing Orders on committees. He advised that any two members of a committee can request a meeting which will then have to be convened within 7 days.

The Clerk has been asked by the Chairman to draft a workforce plan which will identify the staffing needs of the Council going forward.

Resolved:

It was resolved that the Administrative Officer's contract should firstly be discussed at a meeting of the HR Committee. It was further agreed that a meeting should be convened of the Community Centre Committee. The Clerk is to take steps to commence arrangements for the meeting of both the above committees.

192. Clarification of the Temporary Admin Officer's contract

The acting Chairman advised that the Temporary Admin Officer's placement had come to an end that day, and that she had been successful in obtaining an alternative work placement. The Council wished her well in her new role.

193. To receive an update regarding Cllr M Phelan

Acting Chairman advised that the Clerk had discussed this matter with One Voice Wales (OVW) and that OVW had obtained legal advice on the matter. Acting Chairman advised that this was a matter of law and that no Councillor can propose that the Council removes another Councillor.

Acting Chairman stated that OVW have advised that Cllr Phelan remains a member of Brackla Community Council due to her apologies and request for continued absence are valid. OVW stated that whilst this is an unusual set of circumstances, it is reasonable to accept Cllr Phelan's absence for a six-month period.

Acting Chairman stated that this matter was not open to debate but was simply the relaying of the advice received from OVW (and their solicitor) to Brackla Community Council.

Cllr Hughes commented that the matter did need to be discussed at the meeting. He added that the advice from OVW was based on draft Council minutes that were inaccurate.

Cllr Hughes stated that when considering this matter at the full meeting of the Council in March 2023, no “leave of absence” was requested by Cllr Phelan.

The Acting Chairman states that if any Councillor has objections regarding the advice received from OVW, they are free to obtain their own legal advice on the matter.

Having previously warned Cllr Lewis about shouting comments during the meeting, and having warned the attendees that such shouting could lead to them being evicted, the Acting Chairman removed Cllr Lewis from the meeting in response to a further incident of this nature.

The Acting Chairman referenced the Council’s Standing Orders – Sections 2a & 2b (Disorderly Conduct at Meetings).

The acting Chairman proposed the removal of Cllr Lewis from the meeting, this motion was seconded by Cllr Spanswick. The motion was passed by four votes to one and Cllr Lewis was subsequently removed from the meeting.

A member of the public asked whether they were allowed to call a point of order under the Council’s Standing orders. The acting Chairman advised that there is no provision in the Standing Orders for a member of the public to speak other than in the allotted slot at the start of the meeting to ask questions.

Cllr Payn sought clarification on a matter relating to last month’s minutes. He pointed out that since the draft minutes are to be amended to record that the Council voted on Cllr Phelan’s apologies not her request for continued absence, does this not impact on the legal advice received from OVW? He commented that the Council has voted on Cllr Phelan’s apologies but not her request for a leave of absence.

The acting Chairman stated that if the Council passes a motion and accepts the reason for Cllr Phelan’s absence (i.e. her apologies), then that is sufficient and there is nothing in the legislation requiring her to specifically request a formal leave of absence. It is sufficient for the Council to accept Cllr Phelan’s apologies.

The acting Chairman stated that in relation to the HR meeting that was convened (but did not continue due to it being inquorate) the advice received from OVW is that Cllr Phelan’s attendance was valid and that sets a new start date for a six-month period in which Cllr Phelan is required to attend a meeting of the Council.

Cllr Hoy queried whether the matter would be sent to the Ombudsman for consideration. The acting Chairman responded by saying that the Council was obliged to accept the advice from OVW but that any members were free to seek their own legal advice.

The acting Chairman referred to the relevant section of 1972 Local Government Act regarding Cllr Phelan’s attendance at the meeting of the HR Committee.

8:56pm – it was agreed to suspend Standing Order 3w to allow the meeting to continue beyond 2 hours. This was proposed by Cllr E Caparros and seconded by Cllr M Payn and agreed by all.

Cllr Payn asked that the Clerk notifies OVW of the amended minutes from last month’s full meeting of the Council to check whether the advice from OVW remains unchanged.

Resolved:

The Clerk is to contact OVW to seek the above clarification.

194. To receive Members' Reports

Cllr Payn recently met with a representative from the Rangers and did the circular walk along with Cllr Spanswick and representatives from BCBC. Areas where litter accumulates were discussed and Cllr Payn pointed out the areas where beds of bluebells grow. The need for appropriate signage was discussed as was the need to clarify details of the land ownership of the woodland on Brackla Hill.

Cllr Payn also visited The Steps, another project of the Wellbeing Committee. The Probation Service and a local firm have both offered their services for this project.

195. To consider Planning Applications received

- a. **T/22/47/TPO – 4, Tremains Court, Brackla CF31 2SR
Removal of lime tree to stump height (left hand side of garage)**

Resolved:

The above application will be considered at the next full meeting of the Councillor as the connection to Cllr K Hughes had been lost.

180. Date of next Meeting – Thursday, 18th May 2023

Meeting closed at 9:20pm

Signed by: _____

Chairperson of Brackla Community Council