

Pembrey and Burry Port Town Council

Extraordinary Town Council Meeting

Tuesday 10th April 2018

Present: Councillor David Owens (Mayor)

Councillors Geraint Davies, Mrs Linda Edwards, Mrs Amanda Fox, Peter Freeman, John James, Stephen James, Robert John, John Hedley Jones, Mrs Shirley Matthews, Mrs Lisa Mitchell, Mrs Karen Francis Morris, Hugh Shepardson, Michael Theodoulou, Mrs Moira Thomas, Bob Walpole and Mrs Mary Wenman

In attendance: Alan Howells (RFO)

Minute taker: Ed Davies (Administrative Assistant)

(Memorial Hall 7.00pm – 9.15pm)

1. Opening prayer

The opening prayer was given by the Mayor.

2. To receive apologies for absence

No apologies had been received.

3. To receive members' declarations of interest in respect of the business to be transacted

Cllr John James declared an interest in any matters related to planning due to his membership of the County Council Planning Committee.

Cllr Mrs Shirley Matthews declared an interest in anything related to her County Council work and anything to do with the marina field.

4. Ratify emergency decision taken by the Chairs Committee to appoint the RFO as Acting Proper Officer in the absence of the Town Clerk.

Cllr David Owens stated that the asset transfers had required his signature and that of the Clerk. Due to her absence and the close deadline the Chairs Committee had decided to appoint the RFO as a temporary proper Officer. This item was to ask the Town Council to ratify that decision.

Cllr Stephen James **PROPOSED** to ratify the appointment of the RFO as the temporary proper Officer of the Council, seconded by Cllr Hugh Shepardson.

Members **AGREED** to the proposal with 15 votes in favour, 0 against and 0 abstentions.

5. Update on asset transfers

Cllr David Owens stated that the transfers had been signed and that the process had been completed successfully.

Cllr John James stated that the Council had agreed to asset transfers 2 years ago and stated that the delay in signing had cost the Council a significant amount of money that was available from grants from the County Council. He asked why the signatures hadn't been made earlier,

Cllr Mrs Mary Wenman arrived at 7.05pm

Cllr Michael Theodoulou responded that there had been complications to the agreements in place between Burry Port RFC, Burry Port AFC and the Bowls Club with Carmarthenshire County Council, and their status as lessees or sub-lessees in whatever arrangement the Town Council agreed also. He agreed that grant money had been missed out on but he thought it better not to rush into an agreement.

There followed a discussion about which plans had changed and the actual sum of funds missed out on. The RFO stated he had received copies of the figures but hadn't received them in time for the meeting.

Cllr Geraint Davies declared an interest due to his involvement with Burry Port RFC, but stated for information that the majority of the funds being referred to were for the Rugby and Football clubs and the delay had been lengthened due to discussions between those parties and the County Council on maintenance issues

In response to a query Cllr John James confirmed that he and Cllr Mrs Amanda Fox were in discussions with County Council Officers to attempt to waive the deadline to thereby access the total funds, but were not confident it would succeed.

Cllr Stephen James felt the deadlines were arbitrary and them being imposed on part time organisations such as the Rugby and Football Clubs and the Town Council was unfair. He stated that there must be others in the same situation.

Cllr John James confirmed they would be using those arguments but that the Rugby and Football Clubs were unlikely to lose funds, and that every town had been affected similarly.

Cllr Mrs Mary Wenman expressed her concern at hearing rumours that there were plans for the "top pitch" of the Burry Port Memorial Park to be developed.

Cllr Geraint Davies assured members that as a member of the Rugby Club there were no plans to develop the "top pitch". The RFO added that the terms of the lease and sub-lease agreements meant that any changes of use would need County Council approval anyway.

There followed a discussion of the maintenance work that was outstanding such as clearing the drainage ditches, dealing with the tree stumps and re-planting of trees and the available solutions. It was agreed that the Facilities Management Committee would investigate.

ACTION: FACILITIES

Cllr Michael Theodoulou confirmed that the matter of the park bins and their emptying was being looked at urgently.

6. Consider proposed purchase of strip of land at Pembrey Memorial Hall Site

Cllr David Owens stated that an option to purchase this land had been presented during the lease agreement process. He had not signed for it because the Town Council had not authorised it. The strip was being offered at the cost of £1000 from the Church in Wales.

There followed a discussion of the location of the land in question. It was queried as to how the Church in Wales had come into possession of it as the land had been maintained by the County Council and subsequently the Town Council (under an SLA) for several decades. It was stated that St Illtyd's Church would not itself, benefit financially from the sale. The issue of ownership had been looked at previously, but no clear answer could be got, and it was felt the matter needed further investigation.

Solutions were discussed including instructing the solicitor to investigate further; asking the County Council for a signed affidavit stating the length of maintenance responsibility they had held. It was suggested the Church in Wales could be approached with an offer to maintain it at a cost. Some members questioned whether or not the land needed purchasing at all.

Cllr Michael Theodoulou **PROPOSED** that the Council not purchase the land, seconded by Cllr Stephen James.

Cllr Hugh Shepardson proposed the following **AMENDMENT**, that the Council's solicitor be instructed to investigate the ownership further with the view to purchase from the owner, seconded by Cllr John James.

In the ensuing vote on the amendment 12 members voted in favour, 3 against and 1 abstention. The amendment was **AGREED**, and the original proposal fell.

ACTION: RFO

7. Consider proposed transfer of additional assets:

- a) Allotments**
- b) Memorial Garden**
- c) Play area**
- d) Toilets**

Cllr David Owens stated that the above additional assets had not been agreed to by the Town Council.

- a) Cllr Michael Theodoulou stated that the Facilities Management Committee had discussed and supported this list.

Cllr Mrs Shirley Matthews stated that allotment holders had expressed their concerns to this proposal as with only 2 years left on their agreement, the Town Council would wish to change the terms of rent.

In response Cllr Michael Theodoulou stated that the access to the allotments was over Town Council land but stated he felt the Council would be supportive of the allotment holders positions as they were using land the Council would otherwise have to maintain. He added that the Council were looking to turn some of the park space recently acquired into allotments also

Cllr John James stated that he recalled that the County Council were reluctant to pass on the allotment land and reminded members that changing the use of those open spaces into allotments could not be done without the approval of neighbouring residents.

In the following discussion members expressed a desire to know more detail about the terms of the lease as there were some potential complications from what some had seen. Cllr Michael Theodoulou **PROPOSED** that the Town Council resolves to accept the transfer subject to legal advice deferred to the Facilities Management Committee to consider, seconded by Cllr Stephen James

In the ensuing vote 16 voted in favour with 0 against and 0 abstentions. The proposal was therefore **AGREED**.

ACTION: RFO

- b) Members discussed whether this covered the Memorial Garden and the Amelia Earhart garden.

Cllr Mrs Lisa Mitchell arrived at 7.45pm

Cllr John Hedley Jones confirmed that the Amelia Earhart garden was already in the Town Council's possession as the deeds had been re-registered when he worked for the Town Council.

Cllr John James **PROPOSED** the Memorial Gardens be requested on the transfer list, seconded by Cllr Shirley Matthews.

In the ensuing vote 17 members voted in favour with 0 against and 0 abstentions. The proposal was therefore **AGREED**.

ACTION: RFO

- c) Members discussed the progress to date with the need to agree a new location for the harbourside play area because the original location would be unavailable until after the harbour wall repairs had taken place. The new location was described as further west of the original site, close to being opposite the Parsons Pickle factory and between the canal and the footpath. There was an urgency to get the transfer agreed as delays would push the delivery deadline further back which affected the funds available.

There was a request from a member for an accurate location drawing before they would agree to the transfer. Cllr John James assured them that Paul Murray (Carmarthenshire County Council Officer) would share that information with the office who could pass it on.

Cllr Stephen James **PROPOSED** the land be transferred, and for a letter of thanks to be sent to Paul Murray from the Town Council to express their gratitude for his tireless work on this and other matters over his years of service, seconded by Cllr Michael Theodoulou.

In the ensuing vote 17 members voted in favour with 0 against and 0 abstentions. The proposal was therefore **AGREED**.

ACTION: RFO

After a brief discussion of the memorial park play area and MUGA, and concerns about the safety of, and missing equipment, Cllrs Michael Theodoulou and Mrs Mary Wenman agreed to meet to discuss the urgent safety issues on Thursday 12th April.

ACTION: CLLRS THEODOULOU AND WENMAN

- d) Cllr Mrs Amanda Fox stated that she was aware that the management of the harbourside toilets were being put out to tender via a commercial contract. This was confirmed by Cllr John James who said that due to the sensitive commercial nature they would not be able to disclose any further detail, other than the announcement had been made to the Town Council previously.

Cllr Michael Theodoulou **PROPOSED** that a request be put in for the railway station toilets, seconded by Cllr Bob Walpole.

In the ensuing vote 15 members voted in favour with 0 against and 2 abstentions. The proposal was therefore **AGREED**.

ACTION: RFO

There followed discussions of whether or not the Council should submit a tender for the harbourside toilets.

Cllr Michael Theodoulou **PROPOSED** that the Council look at putting in a tender for the management of the harbourside toilets, seconded by Cllr Stephen James.

In the ensuing vote 13 members voted in favour with 0 against and 4 abstentions. The proposal was therefore **AGREED**.

8. Consider proposed fee changes from the Fees and Charges Sub Committee

Cllr Michael Theodoulou stated that the report had been circulated in advance via email and read out some of the details. The report mainly focussed on burials charges and had been approved and supported by the Facilities Management Committee. He thanked Cllr John Hedley Jones for his work in researching neighbouring and comparable Town Councils charges.

The report was then presented point by point.

While some of the points were commended, many voices raised objections to some of the proposed increases. It was questioned why the comparisons had been necessary and as to why there was no longer a non-resident charge. It was pointed out that such decisions placed a difficult burden on office staff when dealing with grieving persons. Some defended the comparisons as without them, it could leave the cemetery open to abuse from those outside the town. It was also noted that the Burials Sub-Committee had not met to discuss these changes.

It was decided to vote on each recommendation individually as follows:

2. all charges to increase with inflation by 3%.

In the ensuing vote 9 members voted in favour, 5 against and 3 abstentions. It was therefore **AGREED**.

3.1 Length of exclusive burial rights. The proposal was to only offer a term of 50 years that could be extended back up to 50 when 2 or 3 berth graves were re-opened.

In the ensuing vote 17 members voted in favour, 0 against and 0 abstentions. It was therefore **AGREED**.

3.2 different charges to be used depending on the depth of the grave

In the ensuing vote 17 members voted in favour, 0 against and 0 abstentions. It was therefore **AGREED**.

Those charges to be set at:

1 berth - £1150

2 berth - £1300

3 berth - £1450

In the ensuing vote 9 members voted in favour, 4 against and 4 abstentions. It was therefore **AGREED**.

Cllr Stephen James **PROPOSED** that the remaining items (3.3-3.15) be referred back to the Burials Sub-Committee to review, seconded by Cllr Mrs Karen Francis Morris.

In the ensuing vote 17 members voted in favour, 0 against and 0 abstentions. It was therefore **AGREED**.

ACTION: BURIALS

Cllr Geraint Davies **PROPOSED** that in future the Fees and Charges Sub-Committee look at other methods of calculating inflationary increase other than the 3% standard, seconded by Cllr Mrs Shirley Matthews.

There followed a discussion of the charges the Council sets for its facilities, and that the public perception is that they are too high.

Cllr Michael Theodoulou stated that the Council had agreed to set 3 levels of charges to enable the use of the facilities, and that this had been agreed in conjunction with the establishment of grants. This had been done to streamline the arbitrary charge setting that had gone on previously. He stated that if some users were going elsewhere because of the costs then it was acting as a means of supporting other local venues and community facilities. He added that usage and income was shown to be up under the new charges also.

After a request the RFO agreed to provide members with the information regarding income and usage of facilities.

There followed a vote on Cllr Geraint Davies' proposal with 15 members voting in favour, 0 against and 2 abstentions. It was therefore **AGREED**.

ACTION: FEES AND CHARGES

Cllr Mrs Karen Francis Morris stated that she had abstained as the review couldn't take place without looking at a database of the costs the Town Council incurred in running their facilities, which had not been provided previously.

9. Update on revised Committee structure

Cllr Michael Theodoulou stated that there was one amendment to the proposed structure which was the removal of point 3.3.

There followed a discussion where some members expressed their concern at the operation of the Chairs Committee, stating that they did not feel it was operating transparently as it was acting like a leadership tier.

It was acknowledged that there were extenuating circumstances at present and Cllr Michael Theodoulou stated that no decisions were being made by the Chairs only acting on Town Council or Committee instructions in absence of Clerk and TSO.

Members expressed a desire to attend the meetings but did not know when they were. Cllr Michael Theodoulou stated that the Chairs were meeting every morning to action Council decision and forward communications, not to make decisions, all members were welcome to attend.

Cllr David Owens stated that as a point of order the revised structure had been agreed subject to details.

Cllr Mrs Moira Thomas stated that as the changes were legislative changes they would need to be made at the AGM where a 2/3 majority is required.

Cllr Hugh Shepardson clarified that the process of making the changes was for them to be agreed at Town Council and at the AGM.

Cllr Michael Theodoulou **PROPOSED** the structure be approved with the changes to Standing Orders to be agreed at the AGM, seconded by Cllr Hugh Shepardson.

Cllr David Owens stated that copies of the current Standing Orders would be sent out to members.

ACTION: OFFICE

Cllr John James proposed an **AMENDMENT** that the structure and the changes be discussed during the AGM, seconded by Cllr Mrs Amanda Fox.

There followed a vote on the amendment with 8 members voting in favour, 9 against and 0 abstentions. The amendment therefore **FAILED** and the original proposal was **AGREED**.

ACTION: OFFICE

Cllr Bob Walpole left the meeting at 9.05pm

Cllr Michael Theodoulou **PROPOSED** that the new committees be populated as follows:

Main committee	4 independent, 3 Labour and 1 Plaid Cymru
Sub committee	3 independent, 2 Labour and 1 Plaid Cymru
Chairs and Vice Chairs	decided by a meeting of 2 independent, 2 Labour and 1 Plaid Cymru

Seconded by Cllr Robert John.

Cllr Bob Walpole returned at 9.07pm

Cllr Stephen James left the meeting at 9.07pm

There followed a discussion of lay memberships and the authorship of the structure was questioned. Cllr Michael Theodoulou confirmed that he had prepared it for consideration by the working group.

In the ensuing vote 9 members voted in favour, 5 against and 2 abstentions. The proposal therefore was **AGREED**.

Cllr David Owens stated that Standing Orders needed to be suspended to extend the meeting and to go into camera as agreed previously.

There followed a short break from 9.13pm while the public and press left the meeting

Ed Davies left the meeting at 9.26pm. RFO to continue minutes.

10. To Consider proposed changes to procedures from the Audit Committee:

- a) **Information as to what minutes are to be approved**
- b) **In camera session to be held at beginning of Council meetings.**
- c) **Change in Standing Orders to enable Council meetings to be recorded.**

11. That under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press be excluded from the meeting during the consideration of the following item of business, as publicity would be prejudicial to the public interest because of the sensitive and confidential nature of the business to be transacted:

- a) **Staff issues**
- b) **To consider and respond to the email from a member of the public dated 29th January 2018**