

VAN COMMUNITY COUNCIL CYNGOR CYMUNED Y FAN

Chairman Councillor Eileen Macey, Clerk/R.F.O. John Dilworth
Vice-Chairman Councillor Elaine Forehead

Minutes,
Extraordinary Meeting,
Called by the Chairman
(to expedite the business of the cancelled meeting, Friday, 18th April, 2014),
Friday, 2nd May, 2014,
Van Community Centre.

Present:	Councillors	Russell Deacon,
		Chris Forehead,
		Brian Jenkins,
		Marie Hall,
		Eileen Macey,
		Sheila Newbury.
In attendance:	Clerk/R.F.O.	John Dilworth.
	Neighbourhood Police Team.	P.C.S.O.s Joss Evans and Jon Spokes.

Public, any issues, and limited to ten minutes.

No members of the public were present.

136/14 **Apologies for absence.**

There were apologies for absence received from the following Council members: Elaine Forehead, Fay Gay, David Hill, and Barbara Jones.

137/14 **Declarations of interests.** To receive disclosures of personal interests from Members in accordance with the Code of Conduct (**Note:** Members are requested to give written notice of the item number and subject matters that their interest relates to and signify the nature of the personal interest).

Councillors Elaine Macey and Chris Forehead declared interests and gave notice of their withdrawal from the interview panel for the Summer Play-staff (written declaration was not handed to the Clerk).

138/14 **Police matters (P.C.S.O.s Jonathan Spokes and Steve Moore).**

Member noted the number of reported crimes since the last report, including the following points:

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Change of officers.

Stabbing at Snowden Court.

Illegal substances.

Domestic abuse.

The Chairman thanked the officers for attending who took their leave.

139/14 **To approve the minutes of the Council Meeting, 21st March, 2014, (appendix 1.) Previously circulated.**

The minutes were approved as a correct record and signed by the Chairman.

140/14 **Matters arising.**

Minute 129/14 b. Council's Bankers, the Clerk reported that the accounts with the Cooperative Bank have been closed and all monies transferred to the new HSBC account following members concerns on the stability of the Cooperative Bank.

141/14 **Correspondence.**

The Clerk circulated a list of correspondence received since the last meeting.

- i. Letter, no date and received on the 22nd February, 2014, Community Health Council, notification meeting of Aneurin Bevan Community Heath Board, 6th March, 2014. Noted.
- ii. E-mail, 17th March, 2014, Mrs. Bethan Jones, Eco-coordinator, St. James Primary School, was under the impression, sent the Clerk the design of the statute for the memorial garden but will do so on her return to School next weekend. If Council wishes the statue made from more durable material then Council to "source it." Clerk's Report.
- iii. Letter, no date and received on the 19th March, 2014, Community Health Council, notification meeting of Aneurin Bevan Community Heath Board, 2nd April, 2014. Noted.
- iv. Letter, 21st March, 2014, Head of Legal Services, Caerphilly C. B. C., providing Council with a copy of the byelaws applying to Acupuncture, Tattooing, Semi-Perm ant Skin Colouring, Cosmetic Piercing, and Electrolysis. Noted.
- v. Letter, 24th March, 2014 (no date, received), G.A.V.O., G.A.V.O. Social Enterprise Directory. Noted.
- vi. E-mail, 24th March, 2014, Bands in the Park, 2014, whether Van CC sponsor event but no further time for decision to sponsor. Noted.
- vii. E-mail, 1st April, 2014, Community Planning Liaison Officer, Caerphilly C. B. C., L.D.P. Consultation Event, Friday, 9th May, 2014. Attendance by the 11th April, 2014. Noted.
- viii. E-mail, 2nd April, 2014, Councillor Brian Hancock (Risca Town Council, Clerk to Town and Community Councils Joint Liaison Committee topics, i.e. as reproduced:

Signature:.....

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1. to update them on where we are with the first review of the LDP;
 2. to advise them of the introduction of the Community Infrastructure Levy(CIL) in Caerphilly CBC as from the 1 July 2014 (subject to Council approval);
 3. to advise them of the financial implications of the introduction of CIL for their area;
 4. to update them on the likely changes to the Planning System generally in terms of the Draft Planning Bill. Noted.
- viv. E-mail, Councillor Howard Llewellyn, Bargoed Town Council, Williams Report, agenda item. Clerk's Report.
- x. E-mail, 30th April, 2014, Ethic and Regulation, Welsh Government, Council's attention is drawn to the report of the National Assembly for Wales Public Accounts Committee on significant failings in the governance and financial arrangements of the Caldicot and Wentlooge Internal Drainage Board. It was considered that the issues raised should be considered by other public organisations across Wales, including community and town councils. Noted.
- xi. Letter, 31st March, 2014, Community Foundation in Wales, informing Council that its applications for funds towards the Summer Play-scheme, 2014, was unsuccessful. Noted with regret.
- xii. Letter, 31st March, 2014, Mazars, notification of Audit. Independent internal audit with Mr. Peter Morgan, from 14th April, and Annual Return. Noted the actions of the Clerk.
- xiii. Letter, received 5th April, 2014 (no date) from the Prime Minister, the new tax cut for business and charities starting on the 6th April. Noted.
- xiv. E-mail, 7th April, 2014, Ms. Bethan Jones, Eco-council Coordinator, St. James Primary School, attaching the children's design for the memorial garden. School provided Councillor Chris Forehead with a better copy.
- xv. Letter, 10th April, 2014, Corporate Finance, Caerphilly C. B. C., acknowledging letter of the 13th March, change of bank account details. Noted the actions of the Clerk.
- xvi. Letter, 14th April, 2014, Deputy Chief Constable, Gwent Police Constabulary. Thanking those who attended the Engagement Workshops, months of September and October. Noted.
- xvii. Letter, received (no date), 15th April, 2014, Came and Company, Spring Parish Matters. Noted.
- xviii. E-mail with attachments; Local Insurance Scheme Quotation, Remittance Advice, Important Information, and Councillors Guide to Council Insurance, Came and Company. Insurance quote and referred to Council, agenda item.
- xx. E-mail 24th April, 2014, Miss Helen Morgan, Snr. Committee Clerk, Caerphilly C. B. C., attached letter to residents' groups concerning the planning application, surface mine at Nant Llesg. Noted.

Signature:.....

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- xxi. E-mail, 25th April, 2014, Youth Service, Caerphilly C. B. C., £500 contribution to the cost of sending seven young people from the Lansbury Park estate to Morocco to deliver educational and life-enhancing sessions to orphans from the Marrakesh area. Council was previously asked by Mrs. Zoe Williams, Communities 1st Support Officer, G.A.V.O., to take this forward and apply to the National Lottery with miss Van Koningsveld. Council declined since it was too involved. Grant application and on the agenda.

142/14 **Planning.**

14/0175/FULL, to erect ground floor extension for kitchen, at 8, Bryn-Rhedyn, Caerphilly.

It was resolved to make no comments to the Planning Authority.

143/14 **Reports and local matters.**

Councillor Chris Forehead reported on the recent View Point meeting of the Caerphilly C. B. C. (public engagement event including Youth Forum Members), following public consultation on non-statutory services (approximately 30) provided by the principal authority. Feedback suggested, discontinuation CCTV provision but retain music education. Proposals will now feed into scrutiny for consideration.

144/14 **Clerk's Report (appendix 2).**

The Clerk's Report was considered.

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|---|--|
| a. Soup and Carols, Friday, 28 th November, 2014.
(Note change of date). | The Clerk reminded members, the date of Soup and Carols has been changed to Friday, November 28 th , 2014, so that the Caerphilly Community Choir can perform from 6.45p.m. to 7.15p.m.

The rest of the evening will be taken up with carol singing, soup, Father Christmas, and the children of St. James Primary School and St. Helens R. C. Schools. |
|
The Clerk to contact Caerphilly Music Services to inquire if the Youth Brass Band could attend. | |
| b. Council's Bankers. | In accordance to Council's instructions, the Council's accounts (3) at the Cooperative Bank plc has been closed and balances transferred to the new HSBC account and all cheques issued under the Co-operative account have cleared, reported.

It was resolved to approve the Clerk's recommendation to move £8,000 to the HSBC BMM savings account to mitigate financial risk. |
| c. Porset Brook, fly tipping, (eco-vandalism). | The Clerk reported, that he received permission from Miss Vicki Miller, Neighbourhood & Participation Manager, United Welsh Housing, to clear the undergrowth, however, he awaited a response Probation Services. |

Members noted.

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- d. Memorial Garden, St. James Primary School.

The Clerk reported that he had received the children's design as shown in Appendix A. Unfortunately the drawing is faint and difficult to read and has no dimensions (is it to be assumed that it is full size), however, he reproduced the e-mail from Mrs. Bethan Jones who would appreciate if "... further decisions are run passed herself..."

"On Tue, Mar 25, 2014 at 8:26 PM, Bethan Jones <bethanjones35@gmail.com> wrote:

John,

Sorry for the delay in getting back to you but as I believe you were made aware, I was on a residential with the children last week and had no access to the information you required.

I have attached the winning design for the statue below. The children and I have agreed that the section in the middle that says 'WW1 army and navy' will not be on the actual statue. I have not supplied the information you requested about the wood as I received an email today from Rhys Harris explaining that you had been in touch and no longer wanted the statue made of wood but stone instead.

I would be grateful if any further decisions about the garden were run past myself and the children first so that they should have a say in the decisions. The garden was originally explained to me as a memorial seen through the eyes of the children. When we had our initial meeting I made it clear that I would ensure that the garden was tasteful but that the children's ideas and designs were to be used without any unnecessary change from adults (myself included). I know this has the potential to slow things down a little but it is important that the children feel an ownership of the garden.

Best Wishes

Bethan"

The Clerk advised, because of the delay, in receiving the design, and conditions as stated by Mrs. Bethan Jones that he could not guarantee completion by the end of the Summer term and within budget, £1,200. Possibly, members could look at a mosaic, as a positive alternative but subject to the children's agreement. A copy of the design had been e-mailed to Cardiff Metropolitan University to seek their help in producing it, but he reported no response.

He reminded members that through his volunteering and that of Mr. Nathan Lloyd with Healthy Villages staff that the memorial garden wall has been completed and there was no help from the parents, however, the children did participate in learning about dry stone wall construction.

Addendum to the report of the 18th April.

The design (appendix A) is simplistic in its childlike purity and would he ventured to recommend, since he does not hold experience in dealing with children or art, that it is represented as a mosaic and full speed ahead.

Members considered the matter and reluctantly resolved in view of the time scale, the practicality of transposing the drawing into an acceptable art form to withdraw from the second part of the project. The Clerk was directed to contact Mr. Paul Samuel, Head Teacher, St. James Primary School, to advise him of Council's decision.

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- e. Summer Play-scheme. Following the grant application, Gwent High Sheriffs Community Fund, the Clerk contacted the office of the Community Fund, who were dealing with the applications and belated notification has now been received.

The Clerk reminded members:

Recommendations: Council meeting, 27th September, 2013:

“Venue; St. James Primary School, agreed with the Head teacher.

Four weeks, five is too long but it was tried out.

Employ, one Senior Play-worker, three Assistant Play-workers on the same hourly rate, 2013.

Three volunteers, 18 years and over, with £15 per day expenses. (Engaged on a rota basis, with two on site each day.)

Invite Ms. Cath Davies, Holiday Scheme Co-ordinator, G.A.V.O., to the next meeting, 18th October, 2013.

Decisions:

Members approved the recommendations of the Clerk and in addition, a child must attend for three days to qualify to go on a trip, per week.

A vote of thanks to the Clerk and Julie was made in recognition of their hard work and support to the Play-scheme.

The Clerk to write to the Head Teacher (e-mail sent) thanking him and the School for the use of the facilities. Also Tesco, Crossways, donation of chocolate.”

We must go out to advertise the posts, soon after Easter.

It was raised by Councillor Eileen Macey that a member of her family will be applying for one of the posts and she gave notice of her intension to retire from the interview process. In response Councillor Chris Forehead declared an interest, she knows the person, and likewise could not be part of the interview process. A discussion followed and it was left on the table to resolve itself at a later stage.

Members noted and the verbal declarations recorded.

- f. Year Ending Accounts, 31st March, 2014. The Clerk reported, he is presenting the accounts, following audit, by Mr. Peter Morgan, Independent Internal Auditor, for approval to be signed by the Chairman and himself as, Clerk and RFO to the Council

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He explained the closure of the Cooperative Bank Accounts and transfer to the new HSBC account is shown in the Ledger Section of the end of year bank reconciliation.

He posed the question: You may ask yourself, how can you take £18,000 off Income when it is not real Income and then off Expenditure, when it is not real expenditure?

My answer is this: The £18,000 is there, it hasn't gone out of the accounts but has been transferred from one bank to another and the process is transparent.

He hoped Mazars agree or perhaps members may have alternative suggestions which are open to consider.

The Clerk provided a copy of the Audit Report, summary of R & P for 2012/13 and 2013/14, the amended accounts inclusion of £60 VAT, Spectacle invoice) and Section 1 & 4 of the Annual Return, 2013/14.

He responded to the Auditors comments about a lack of a P35 in the Payroll file. It is no longer a requirement with RTI but printouts showing that the procedure for submission to HMRC has been completed. He also provided a copy of an e-mail evidencing that the end of year submission had been received by HMRC.

Members noted the information and the Chairman and Clerk signed the relevant accounts and part of the Annual Return return.

g. Ultra Vires

The Clerk reported, members are aware of the important principle of ultra vires but he is taking the opportunity of reminding members of its significance and that he is the legal officer of the Council.

The Latin meaning of ultra vires, "beyond the powers," given by statute which empowers a corporate or constituted body to act within the scope of the law appertaining to the legal body. Once it acts outside of the scope then it acts ultra vires but within it is intra vires. Whilst it applies to local government its origins stem from company and partnership law, but, it also applies to Community Councils which in law are corporate bodies.

He went on, it is very important to be aware of the principle, in respect of members financial responsibilities and the Members Code of Conduct, for instance this council cannot be committed, to making a financial contribution to highway improvements without it first following a notice and then resolving to do so. That resolve or the decision must be subject to an agenda item, and he referred to the case of Longfield Parish Council v. Wright (1918). If a council acts outside of its powers then the courts can apply restraints upon it to ensure that it complies with the powers provided to it by statute.

He said, we must remember that Community Councils have duties and

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responsibilities and Caerphilly C. B. C. is the Highway Authority and has a statutory duty for highways. A Community Council does not have a statutory duty for highways. That is why a Community Council can make a financial contribution but not fund the full amount which rests with the Highway Authority. Highway Authorities are subsidized by the Welsh Government but Community Councils are not, so it is pound for pound with no subsidy.

Regarding borrowing, a council requires the authority of Welsh Government or previously the Secretary of State for Wales to borrow money. To precede outside of that procedure is ultra vires.

He concluded this item, I raise this ("word to wise") to remind members and to protect the Council whose decisions and procedures are subject to public, audit and legal scrutiny which may result in legal action.

It was pointed out that some members are absent from tonight's meeting and the Clerk was asked to reproduce this item in his next report to Council.

- h. Agenda and papers, electronically. The Clerk reported, at the last meeting one of the three members receiving Council agenda and papers pointed out that they had not been received. Clearly, had he been informed of this before the meeting he could have recent the papers which were transmitted to the three members on the 17th March.

On checking his Plusnet sent box, he confirmed that the transmission was made and Councillors Deacon and Hall, later, confirmed receipt of the transmission and attachments.

As part of his investigations he sent the member an e-mail explaining that the transmission was made and possibly the setting in her iPad need checking (note: I am not an IT expert).

The third member read the e-mail of the 17th March on the 25th March.

A solution, the member receives hardcopies instead of electronic.

Members noted.

- i. Bargoed Town Council, consultation. Mr. Howard Llewellyn, Bargoed Town Council, is seeking Council's views on the attached reply from Welsh Government (appendix B).

Members noted that there was not closing date for comments and the response of Welsh Government (on hold).

- j. Caerphilly Community Choir. Both the Clerk and his wife attended the Spring Concert, Friday, 4th April, 2014, for the Council and to attend a further concert.

Members noted.

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- k. Leisure and Amenities Facilities agreement. As the Responsible Financial Officer of this Council he is seeking clarification on the agreement and account (started in 1997) with Corporate Finance, having submitted a list of payments (1997-2014) and minutes showing contributions out of the account. They have put the account on hold till the end of April, 2014, which will clarify the position for both Councils.

Members noted.

- l. Holding a meeting on a public holiday and cancellation of the Council meeting, 18th April, 2014. The Council meeting of the 18th April, 2014, was cancelled. The Clerk reminded members, the Council's standing orders state that it shall hold meetings on the third Friday of each month, except during the months of August and December. The April meeting was scheduled for Friday the 18th April, 2014, which fell on Good Friday, and a public holiday (not everyone considers it a public holiday). The meeting was cancelled since the Chairman advised the Clerk that the Centre is closed and to re-open, would incur triple hourly rate to the Council. All members received a hand delivered letter, Thursday, 17th to confirm cancellation and notification of the Extraordinary meeting, Friday, 2nd May.

The Clerk provided some background.

Bank holidays were established by the 1871 Bank Holiday Act but, Good Friday was not included since it was common law holiday, such Sundays. Later it was included in the Banking and Financial Dealings Act 1971. Some organizations do not take Good Friday off. In local government it is a Public Holiday and Bank Holiday for banks.

The legislation appears not to oversee the procedure for cancelling a Council meeting.

On Tuesday, 15th April, the Clerk received a phone message to contact Mrs. Gail Williams, Legal Services/Interim Monitoring Officer. He contacted her by phone at 8.40a.m. on Wednesday, 16th April and she asked the following question since a member of the Council had raised the matter of holding a Council meeting on a public holiday:

"Will you confirm your constitution prevents a meeting on a public holiday?"

She added, "...invalidate decisions on a public holiday and there are examples."

A discussion ensued and the Clerk informed Mrs. Williams that the meeting has been cancelled because the Van Community Centre is closed and Council may have been charged triple time (double time) for the caretaker to open up and close the Community Centre, however, standing orders do not cover cancellation of a meeting (legislation is also silent).

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The Clerk stressed, this raises a need to revisit the Council's Standing orders, to avoid a reoccurrence, and he suggested the following recommendation is adopted:

"When this conflicts with a Bank Holiday that it is held on the next Friday."

To read:

"2. The Council shall, in every year hold, in addition to the annual meeting, eleven other ordinary meetings for the transaction of its business, such meetings being held at calendar monthly intervals on the third Friday at 6.30 p.m., and terminate at 8.15p.m., excluding the month of August and December. When this conflicts with a Bank Holiday that it is held on the next Friday. It will also be incumbent upon the Clerk to draw the Council's attention to any members who have not attended any meetings for a period of four months."

Unfortunately, there has been an unplanned disruption in the meeting cycle and he requested that the A.G.M. is rescheduled from the 16th May to the 23rd May, however, this may have implications for the audit time scale.

A discussion ensued and it was resolved to progress the Clerk's recommendation; standing orders and reschedule AGM for the 23rd May and the advice issued by the Interim Monitoring Officer, Mrs. Gail Williams, following a query raised by a member of the Council.

145/14 **Finance.**

i. **To consider payment of creditors (appendix 3).**

The Clerk reported payments and it was resolved to sign cheques accordingly (A-G).

A.	100001	Grant - Cancercareline		200.00
B.	100002	Grant – Caerphilly Miners Centre for the Community		100.00
C.	100003	Grant – Kidney Wales Foundation		50.00
D.	100004	John Dilworth, Clerk's salary, month 1.		533.80
E.	100005	John Dilworth, expenses.		124.56
		Postage	7.15	
		Photocopying	10.85	
		Stationery	52.25	
		Post Office Phone Card	10.00	
		Mileage	44.31	

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		Journeys:			
		1. 14 th March, 2014	Trustmark, Talbot Green, photocopying, and return (2.48).	1.12	
		2. 17 th March, 2014	Delivered agenda and papers to 7 members re. hard copies and last address, 35, Trevelyn Crt., and return (39).	17.55	
		3. 21 st March, 2014	Van Community Council Meeting and return (24).	11.70	
		4. 24 th March, 2014	HSBC, Talbot Green, and return (2.48), payin cheque for £18,000.	1.12	
		5. 24 th March, 2014	Chairman's address, final signature to sign letter to close Coop bank account (26).	11.70	
		6. 2 nd April, 2014	HSBC, Talbot Green, photocopying, and return (2.48), bank statement.	1.12	
F.	100006	Mr. Peter Morgan, carrying out the Independent Internal Audit of Accounts, 2013/14.			150.00
G.	100007	John Dilworth, Clerk, reimbursement for purchase of 55 caps, Summer Play-scheme, 2014.			165.00

ii. **Accounts, 2013/14 (appendix 4a, 4b, 4c, 4d, and 4e).**

The accounts were received.

iii. **Grant applications.**

Members considered the grant application by Youth Service, Caerphilly C. B. C., £500 contribution to the cost of sending seven young people from the Lansbury Park estate to Morocco to deliver educational and life-enhancing sessions to orphans from the Marrakesh area. Council was previously asked by Mrs. Zoe Williams, Communities 1st Support Officer, G.A.V.O., to take this forward and apply to the National Lottery with miss Van Koningsveld. Council declined since it was too involved.

The Clerk advised that grants could only be made under Section 137, L.G.A., 1972, if they were "for the general benefit of the residents of the area."

It was resolved, regrettably not to make a grant award.

146/14 **To consider, roundabout at Maerdy Crescent, Castle Park, Councillor Chris Forehead, and its financial implications (drop curbstones).**

Following a discussion, the item was withdrawn by the proposer.

Signature:.....

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147/14 **To consider annual maintenance payments, through an agreement with Caerphilly C. B. C., towards the Morgan Jones, Splash Pad.**

The Clerk reported, no further correspondence. It was resolved to agenda, following correspondence.

148/14 **Educational Trust constitution (copies provided at the last meeting).**

Comments from Councillor Russell Deacon:

1. To place a limit on the amount that the trust can spend on any one individual, and the amount of times any one individual can apply for a grant
2. To consider what would happen if there is a conflict of interest with more than one or all trustees over an application, in a small community like ours that is more than possible
3. To remove a trustee for failure to attend a set number of meetings, lapse of time!
4. If a decision goes to a vote, what will happen in the event of a tie
5. To make it clear that any money awarded is only through the decision of the joint trustees and cannot be prior indicated by any one trustee that they will receive this sum.
6. To promote the charity widely within the community (it is possible to write to every 18 year old indicating this fund, on their birthday, for instance)

Following a discussion, it was resolved not to proceed with the Educational Trust.

149/14 **Council Annual renewal of insurance, 2014/15, at £696.32, (last financial year, £711.62). Clerk recommends renewal with current insurers, Aviva (brokers, Came and Company).**

Following the Clerk's recommendations it was resolved to renew the insurance, through Came and Company with Aviva for 2014/15.

150/14 **Items for the next agenda.**

No items were raised for the next meeting.

Meeting closed at 8.30p.m.

Signature:.....