

VAN COMMUNITY COUNCIL CYNGOR CYMUNED Y FAN

Chairman
Vice-Chairman

Councillor Eileen Macey
Councillor Elaine Forehead

Clerk/R.F.O.

John Dilworth

Minutes,
Full Council Meeting,
Friday, 17th January, 2014,
Van Community Centre.

Present: Councillors Russell Deacon,
 Elaine Forehead,
 Maria Hall,
 David Hill,
 Brian Jenkins,
 Eileen Macey,
 Sheila Newbury.

In attendance: Clerk/R.F.O. John Dilworth.

Public, any issues, and limited to ten minutes.

No members of the public were present.

98/14 Apologies for absence.

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

99/14 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).

100/14 Police matters (P.C.S.O.s Jonathan Spokes and Steve Moore).

The Clerk reported their apologies and pointed out from their e-mail that December was a quiet month. The Clerk was requested to contact the Inspector for Police officers at the next meeting.

101/14 To approve the minutes of the Council Meeting, 15th November, 2013, (appendix 1.)

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

102/14 Matters arising from the minutes.

Signature:.....

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Minute 93/13, Aber Valley Wolves, letter cancelling the cheque has been forwarded to the Council's Bankers.

Minute 94/13, grant to Vancam, letter of thanks awaited.

103/14 **Correspondence.**

The Clerk circulated the following list:

Signature:.....

VAN COMMUNITY COUNCIL MINUTES, 17TH JANUARY, 2014.

- xii. Letter, 23rd December, 2013, Corporate Finance, CCBC, Precept, 2014/15, Council
Tax Base Notification, attached to the agenda.
- xiii. Letter, 23rd December, 2013, Tribunal Clerk, H.M. Courts and Tribunals Service, providing a copy of the tribunal case brought by this Council against the imposed H.M.R.C. penalties of £4,800. Attached to the agenda.
- xiv. E-mail, 23rd December, 2013, Miss Helen Morgan, Senior Committee Clerk, O.V.W. and W.L.G.A. partnership agreement.
- xv. E-mail, 23rd December, 2013, Mr. Dean Williams, Chairman, Van Partnership, confirming, money transferred for sculpture (Memorial Garden).
- xvi. Letter, 27th December, 2013, Community Health Council, notifying Full Council, 8th January, 2014.
- xvii. E-mail, 6th January, 2014, Mr. Damian Owen, Communities First, sculpture, forward invoice for funds (following e-mails to Mr. Dean Williams, Chairman).
- xiii. E-mail, 6th January, 2014, Ms. Zoe Williams, G.A.V.O., Senior C.F. Development Officer, error in Section E of the amended constitution.
- xix. E-mail, 8th January, 2014, Mrs. Bethan Jones, St. James Eco-coordinator, Memorial Garden.
- xx. E-mail, 10th January, 2014, Ms. Zoe Williams, G.A.V.O., Senior C.F. Development Officer, Council's inclusion in Section E of the Constitution:
Para. 1 must include membership of the local council, i.e. Van Community Council (that must be clear).
The Clerk to apply for membership of the Council with the Clerk attending in an ex officio capacity (no voting rights).
- xxi. E-mail, 11th January, 2014, C.S.O. 23 Jonathan Spokes, apologies for Council meeting, 17th January, 2014, however, reference to the Intergenerational Meal at St. James Primary School, 10th December, 2013. Attached, thank you letter for the help provided in making the Intergenerational Lunch possible; St. James School, GAVO, Van Community Centre, Draethen, Rudry and Waterloo Council, St. James School Catering Staff. ASDA Caerphilly, Greggs Cwrt-y-Castell, Waitrose Pontprennau, Pamela Partridge, John Poiner.
- xxii. E-mail, 13th January, 2014, Ms. C. Davies, Holiday Scheme Co-coordinator, G.A.V.O., The High Sherriff's Community Fund.
- xxiii. E-mail, 13th January, 2014, Ms. C. Davies, Holiday Scheme Co-coordinator, G.A.V.O.,
The High Sherriff's Community Fund.
- xxiv. E-mail, 13th January, 2014, Ms. C. Davies, Holiday Scheme Co-coordinator, G.A.V.O., The High Sherriff's Community Fund.

Signature:.....

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- xxv. E-mail, 13th January, 2014, Ms. C. Davies, Holiday Scheme Co-coordinator, G.A.V.O., The High Sherriff's Community Fund.
- xxvi. E-mail, 13th January, 2014, Ms. C. Davies, Holiday Scheme Co-coordinator, G.A.V.O., The High Sherriff's Community Fund.
- xxvii. E-mail, 13th January, 2014, Mr. N. Rutter, Website Ed., CCBC, Clerk to meet re. setting up Council Web site.
- xxviii. E-mail, 13th January, 2014, Ms. Cath Davies, Holiday Scheme Coordinator, GAVO,
The Gwent High Sheriffs Community Fund. Clerk progressing this for the Summer
Play-scheme.
- xxix. E-mail, 14th January, 2014, Mr. James Kemp, Communities First, Administration and Monitoring Officer, Energy Efficiency Stand at the Twyn, Caerphilly.
- xxx. E-mail and letter attachment, 23rd December, 2013, Mr. Robert Hay, Local Government Finance and Public Service Performance Division, Welsh Government, notifying sum, per electorate under Sect. 137, for 2014/15, £7.20.
- i. E-mail, 16th November, 2013, C.S.O. 181 Steven Moore, Intergenerational Christmas Dinner, St. James Primary School, 10th December, 2013. Request for a contribution towards Christmas Presents. The police report stated the start of the meeting at 6.00p.m., however they were provide with a copy of the agenda clearing showing the start of the meeting at 6.300p.m. See Clerk's Report.
- ii. Letter, 16th November, 2013, GAVO, Caerphilly Basin and Aber Valley Sector Forum, 26th November, 2013. Noted.
- iii. E-mail, 18th November, 2013, Ms. Julie Mewett, Caerphilly Catering, acknowledging message that Soup and Carols has been cancelled.
- iv. E-mail, 18th November, 2013, Mr. Paul Samuel, St. James Primary School, replying to e-mails of the 15th and 16th, regarding pianist and cancellation, Soup and Carols. Notified, Mrs. Bethan Jones, available to play, but too late, decision made.
- v. E-mail, 21st November, 2013, Miss Helen Morgan, Senior Committee Clerk, CCBC, Draft Legislative Reform (Payments by Parish Councils, Community Councils and Charter Trustees) Order 2013 published.
- vi. Letter, 25th November, 2013, Development Control Manager, Caerphilly C. B. C.,
South Wales Regional Aggregate Working Party, Regional and Technical Statement (www.swrawp-wales.org.uk).
- vii. E-mail, 27th November, 2013, Consultation and Public Engagement Officer, C.C.B.C., following reduction in Welsh Government allocation. The Clerk sent out the information to members for their response to the Authority.
- viii. E-mail, 27th November, 2013, Consultation and Public Engagement Officer,

Signature:.....

VAN COMMUNITY COUNCIL MINUTES, 17TH JANUARY, 2014.

C.C.B.C., following reduction in Welsh Government allocation. The Clerk sent out the information to members for their response to the Authority.

- ix. E-mail, 29th November, 2013, Miss Charlotte Ludlow, Communities First Admin and Monitoring Officer, Food wise course.
- x. E-mail, 2nd December, 2013, Ms. Tina McMahon, Senior Community Regeneration Coordinator, Caerphilly C. B. C., "confirmation that the Partnership would be agreeable to spend would suffice" (wood sculpture.)
- xxxi. E-mail, 10th December, 2013, Miss Helen Morgan, Senior Committee Clerk, Advocacy, Guidelines for Professionals and Volunteers.
- xxxii. E-mail, 18th December, 2013, The Patients Voice News Bulletin, issue 20.

104/14 **Planning matters.**

13/0875/COU – Convert Barn to dwelling at Gwern-y-domen, Gwern-y-domen Farm, Rudry Lane.

It was resolved to object to the application on the grounds it would be an intrusion into the countryside.

Decisions, to approve planning permission:

13/0420/CLEU - certificate of Lawfulness.

13/0711/RET – retain the use of class D1 at First Floor, Block C, Van Court, Caerphilly Business Park.

105/14 **Reports and local matters.**

Chairman – Celebration Day, Princess Trust Fairbridge Scheme, 13th December, 2013.

The Chairman reported the event was very interesting and through support they understand themselves better and the community.

Chairman – launch of Caerphilly Library, 10th January, 2014.

Very well received and provides an excellent facility and a complete contrast to the former library.

106/14 **Clerk's Report (appendix 2).**

- a. Educational Trust Report, down loaded draft constitution off the Charity Commission web site and reviewing Educational Constitution.

- b. Soup and Carols. On this item, the Clerk reported on two points, cancellation and cheque for £50:

Received e-mail from Mr. Paul Samuel, Head Teacher, St.

Signature:.....

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James Primary School on Monday, 18th November, 2013, that, Mrs. Bethan Jones was prepared to play the piano for Soup and Carols. he advised Mr. Samuels that a decision had been made to cancel and Councillor Russell Deacon, later inquired, during that week, if a pianist could have been hired, however, members decision (to cancel).

The cheque for £50 made payable to Mrs. Helen Hudson has been presented and accepted with thanks.

Members decision:

Date: Friday, 5th December, 2014 and Clerk to make inquiries for a choir and also, St. Helens School to be involved.

c. Intergeneratio
nal Christmas
Lunch

A grant application was received by e-mail, on the 16th December, 2013, from P.C.S.O. Steven Moore, applying for a contribution towards £200 for Christmas presents with Draethen, Waterloo and Rudry Community Council.

In summary, he (Police Officer) advised, in previous years the Community Support Officers have arranged an Intergenerational Christmas Lunch at the Bedwas Workmen's Hall with the Bedwas High School, Golden Years. This year it was planned to extend this to the St. James Ward.

A Christmas lunch was provided for fifty elderly residents (under care) by the School catering staff and funded was provided by G.A.V.O. The School covered the cost of the mince pies and teas/squash

The Clerk advised the Officer, the application would be considered at the next meeting, 17th January, 2014, he replied in his e-mail:

**Subje RE: Upcoming Engagement Event - Intergenerational
ct Christmas Lunch [NOT PROTECTIVELY MARKED]**

From Moore Steven 

To 'jdilworth49+john' 

Date 16.11.2013 19:15

NOT PROTECTIVELY MARKED

Mr Dilworth,

The plan was for john to speak with you yesterday at the meeting but on the report he received the start time was 18.00 not 18.30 so left at 18:15 when no one had showed up.

The event is set up for the 10th of December so to be brought up in January would not be useful.

I take it that you would not be able to contribute any funding otherwise?

C.S.O. 181 Steven Moore – St James Ward

Signature:.....

The Clerk later informed the Officer that an agenda had been sent and the time of the meeting, 6.30p.m. The date of the e-mail with summons and previous minutes was dated, 12th December, 2013, and sent to P.C.S.O. Jonathan Spokes. He reproduced the relevant part of the summons or agenda:

"I write to summons you to attend the next Meeting of Van Community Council, at the Van Community Centre, Friday, 15th November, 2013, at 6.30p.m."

The Clerk commented, the Council should have been informed earlier by the Police, which is not meant as a criticism but a statement of fact so that it could be placed before members. He was also surprised that the Council did not have any indication from St. James Primary School and G.A.V.O.

Members noted

- d. First tier appeal against penalties (former Clerk), 10th December, 2013.
- The Clerk reported, he appeared for the Council at the appeal against the penalties of £4,800, imposed following the failure of the former Clerk, Mr. John O'Brien, to make the Annual Returns, required by law, for: 2006/07, 2007/08, 2008/09, and 2009/10.
- Judge, Mr. John Brooks, and Mrs. Norah Clarke, Panel Member, and HMRC was represented by Miss Evans.

The Judge would not accept Council's excuse; that it relied upon the previous Clerk to carry out the payroll duties and was let down. I pointed out that the people who will pay for the omissions of the previous clerk will be the Community Council tax payers of the Van Community Council area, and Lansbury Park was previously identified by the Welsh Government as the second most deprived area in Wales. The Clerk argued, the legislation is being applied too stringently, under the principal of statutory Interpretation, and there is scope to mitigate the penalties. Further, HMRC was at fault in not bringing the lapse of the returns to the attention of the Chairmen over the four year period. To evidence Council's case he made available copies of the External Auditors letter, dated the 29th November, 2010, and the "Concerns of the Council regarding Mr. John O'Brien," One Voice Wales.

The Judge ruled, Council could not transfer its obligations to a third party, i.e. the previous Clerk, and cited several cases to support his ruling. He stated, he was unable to find reasonable excuse and applied the penalties, £4,800. Furthermore, he had no powers to mitigate the penalties and therefore he dismissed the appeal and confirmed the penalties. However, he inferred that he may comment that the Chairman should have been contacted when the returns were not made over the four year period. To summarize this point, the Council were at fault but so was HMRC.

Signature:.....

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The Clerk concluded, there are no costs on this Council for the appeal and Miss Evans, later stated, "it is free."

Following the appeal the person representing HMRC suggested that if the Judge had waived the penalties she would have said, "I will see you in court."

He attached the decision for members perusal, appendix A.

Council is now outside of the time scale for appeal to the Upper Tribunal which would be held in London and costs may have been awarded to council if the appeal was not upheld.

Members noted that the Clerk represented the Council and will now have to pay HMRC £4,800 due to the omissions of the previous Clerk.

It was resolved not to pursue an appeal to the Upper Tribunal.

Councillor Russell deacon abstained from the vote.

- e. Town and Community Council Joint Liaison Committee, Presentation by Mr. Ian Johnston, Police and Crime Commissioner, Tuesday, 17th December, 2013.

The Clerk reminded members, he reported at the last meeting, Mr. Ian Johnston, Police and Crime Commissioner, would be attending a further seminar for all Community and Town Councillors and arranged in the Council Chamber at Penallta House at 6pm on Tuesday 17th December 2013. The Chairman and he indicated that they would attend and on the night Councillor Barbara Jones was also present.

The Clerk reported:

Mr. Johnston gave an update on what had happened in recent months and stressed, they are facing a huge budget challenge and went on to refer to the Wales Audit Office Report on crime reporting, which did not achieve the same media impact as the recent Audit Report into Caerphilly County Borough Council.

He referred to the twenty two PCSO which he is seriously considering not replacing, however, nineteen P.C.S.O.s have joined the Police Force and will be attached to the "beat."

He was very critical of the effectiveness of P.A.C.T. meetings. They require police officers to attend since P.C.S.O.s have limited authority and he would be looking at them, however, he admitted that there are some good PACT meetings.

He then went on to say, it is an absolute disgrace that Caerphilly hasn't got a police station and Ystrad Mynach Police Station will be re-opened, in reply to a question.

He referred to the previous decision, linked to the budget, to sell off police stations. He pointed out that the state of the market is flat, and they cannot be sold off but could be utilised with other agencies.

Signature:.....

A question was raised on the "Victims Charter," and he added that when an officer or PCSO visits the person making the complaint the person who caused the problem is watching and actually "victimizing the victim."

Mr. Johnston responded that we will take that back.

A question was raised on crime prevention and the approach. Mr. Johnston replied that engaging with the youth is very important.

Encourage more engagement with your officers and members of the public.

A question was raised on whether Mr. Johnston has the power to transfer the powers for parking (civil matter) to Caerphilly C. B. C. following on from other authorities who have become parking authorities. He replied that he would have a look at it, however, it was pointed out from the audience, "are we to wait for the police to make their minds up."

Following on from this point the Commissioner was thanked for his intervention in progressing the arrangements for Bargoed Town Council to take over the Court House in Bargoed and become, "Bargoed Town Hall."

A vote of thanks was taken.

Members noted.

- f. Council's bankers, Cooperative Bank.

The Clerk advised, F.S.C.S. Compensation Scheme does not apply to Community and Parish Councils. Barclays indicated to the Clerk that it does, but they clearly do not understand the status of Community Councils under FSCS and this council would not be able to claim compensation up to £85,000 if the Cooperative, Barclays, HSBC, etc, collapsed.

In passing he apologised for the delay in achieving a full understanding of the situation but in his defence, he claimed he had been led down the garden path, if that makes sense.

He advised, Council has a legal responsibility to mitigate the financial risks.

Members directed the Clerk to open an account in HSBC.

- g. Accounts and Audit (Wales) Regulations, 2005.

The relevant changes apply to the accounts and annual return which this council is already complying with.

The reason for the changes, some councils submit the accounts and annual return to a committee for approval. Approval rests with full council.

Members noted.

Signature:.....

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- h. Porset Brook, fly tipping, (eco-vandalism). The Clerk reported he recently visited the site after United Welsh Housing and C.C.B.C. cleansed the area six months ago and we are back to square one. Following my complaint to the Cleansing Manager, in December, he was advised that the "Authority's environmental enforcement team together with the officers at United Welsh Housing Association consider taking appropriate action. He was advised, we (Caerphilly C. B. C.) need the big stick approach now because we are simply going back to the same old ground and certain residents clearly feel that they can get away with this type of "envirocrime".

On a further visit he obtained various discarded GCSE papers with the name "chris woodruff" on them. A scanned version have been sent to Mr. Rhodri Lloyd, Cleansing Manager.

The Clerk was complemented on the action he took.

- i. Memorial Garden, St. James Primary School. The Clerk reported he is awaiting a response from Mrs. Bethan Jones, Eco-coordinator, St. James Primary School.
Members comments.
- j. Van Partnership Constitution amendments to paras. E and G. In pursuant of Minute 13/13, A.G.M., 7th May, 2013, "...*plenary powers are granted to the Chairman and Vice-Chairman, in consultation with the Clerk.*" I drew the Chairman's and Vice-chairman's attention to the following attached documents regarding amendments to the Van Partnership Constitution, Sections E and G, for their perusal.

The attached documents, received, are as follows in addition to my e-mail querying membership, Glan y Nant and Tir y Berth:

E-mail, 23rd December, 2013, Ms. Zoe Williams/Ms. Charlotte Ludlow.

E-mail, 23rd December, 2013, Ms. Zoe Williams/Ms. Charlotte Ludlow

Constitution, made on the 10th October, 2005,
Amended Constitution, Sections E and G, for the A.G.M., 20th January, 2014 (not 2013 as stated).

E-mail, 30th December, 2013, Mr. John Dilworth, Clerk/Van Community Council.

Section E has been redrafted, however, para. 1, is confusing, with reference to membership, Glyn y Nant and Tir y Berth. (Later informed by Ms. Zoe Williams, G.A.V.O., and now refers to the correct areas, i.e. Lansbury Park, Porset Park and Mornington Meadows).

Your decision rests on whether Van Community Council wishes

Signature:.....

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to apply for membership of the Partnership under the amended constitution and our current position is unclear, but Ms. Williams e-mail may be taken to clarify. The Clerk attends but is not aware that Van Community Council has formal representation and Council now has an opportunity of clearly stating its position with regard to membership.

Now to the amendments, Section E.

Para's. 1 and 2 of the 2005 Constitution are incorporated in Section 1 of the 2014 Constitution, however, I refer you to Section A of the Constitution, i.e. as reproduced:

"The name of the association is the Van Communities' Partnership incorporating the communities of Lansbury Park, Porset Park and Mornington Meadows."

One glaring omission for membership is that Section 1 does not include the local council, i.e. Van Community Council.

Another omission, "the Secretary" (which Secretary), is it not, "the Secretary of the Partnership," (see 2005 Constitution)?

Para. 4, 2014 Constitution, is a welcome inclusion, i.e. as reproduced:

"The Secretary will keep a register of names and addresses of all members that will be available for viewing at any time by the members. "

Para. 8 and 10, 2005 Constitution, have been set aside in the amendments.

Sect G. Executive Committee.

2014 Constitution reduces the membership of the Executive Committee from 15 to 8 but not less than 4 (quorum) and further changes to para. b.

Para. 2, minor changes.

Para. 3, Clarifies previous version, 2005, basically elected for two years, stand down at A.G.M. of the Van Partnership (not clear), and may be re-elected for a further two years by the membership of the Van Partnership.

Para. 4, 2005, taken out.

The Clerk advised that he has concerns over the changes to Section G or the minor omissions in Section E (let their officer's deal with them).

Signature:.....

Recommendations:

Para. 1 must include membership of the local council, i.e. Van Community Council (that must be clear).

The Clerk to apply for membership of the Council with the Clerk attending in an ex officio capacity (no voting rights).

The Clerk to be instructed by the Chairman and Vice-Chairman, according to his recommendations.

I must receive you instructions by Wednesday, 8th January, 2014 so that I can inform Ms. Zoe Williams before the deadline, Monday, 13th January and amendments, 17th January.”

The Chairman and Vice-Chairman approved and Ms. Zoe Williams, GAVO, was informed, by e-mail, for the AGM, 20th January, 2014.

Members are asked to note.

- k. Consultation, whether to build a new secondary school, Oakdale Plateau 3. Received the Consultation Document (2 copies) for member perusal.
Deadline, 31st January, 2014.
Members instructions are requested.

107/14 Finance.

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

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

A.	101556	Grant to Vancam		500.00
B.	101557	John Dilworth, Clerk's salary, month 9.		521.21
C.	101558	John Dilworth, reimburse for expenses, supported by receipts.		
		Postage	7.20	
		Post Office Phone card	10.00	
		Stationary, inc. inkjet cartridge	48.00	
		Photocopying	19.80	
		Mileage	90.67	
				175.67
		1. 7-Nov-13	Bartlett St., pick up wreath.	10.80
		2. 10-Nov-13	Delivered wreath.	10.80
		3. 11-Nov-13	Barclays Bank, Caerphilly.	1.12

Signature:.....

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		4. 12-Nov-13	Delivered, agenda/papers.	17.55	
		5. 15-Nov-13	Council meeting.	11.70	
		6. 19-Nov-13	Coun. Offices, Ty Penallta.	15.30	
		7. 22-Nov-13	Van, Community centre.	11.70	
		8. 6-Dec-13	Delivered letter to the Chairman.	11.70	
D.	101559	Post Office Ltd., PAYE months 7,8,9, Clerk's tax & N.I.			487.77
E.	101560	John Dilworth, Clerk's salary, month 10.			521.21
F.		John Dilworth, reimburse for expenses, supported by receipts.			
		Postage		0.00	
		Post Office Phone card		0.00	
		Stationary, inc. inkjet cartridge		26.99	
		Photocopying		0.00	
		Mileage		38.97	65.96
		1. 10-Dec-13	HMRC Tribunal, Cardiff.	12.15	
		2. 17-Dec-13	Counc. Offices, Ty Penallta.	14.00	
		3. 30-Dec-13	Tesco Store, Talbot Green.	1.12	
		4. 2-Jan-14	Chairman and Vice-Chairman.	11.70	
G.	101562	Caerphilly Leisure Services and Amenities Agreement, 1 st January to 31 st March, 2014.			926.34

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

The accounts were received.

iii. **Budget, 2014/15, approved in principle. Maintain current precept, £20,444, Community Council Tax levy/household, £12.52 (appendix 5 and 6).**

Following consideration it was resolved to set the precept at £20,444 for 2014/15.

Councillors Russell Deacon and Elaine Macey abstained from the vote and recorded in the minutes.

iv. **Grant applications; Llamau, homeless charity.**

It was resolved that, to grant £100 having considered the grant request. Council considered that it is in the interests of, and will bring direct benefit to, their area or a part of it in providing opportunities for the youth to learn about photography and develop their photographic skills.

There being no other powers to incur this expenditure the Council approved the request under the Local Government Act, Section 137.

Signature:.....

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- v. **Payment to members, maximum of £100 per year (telephone usage, information technology, and consumables). This was deferred from the previous meeting.**

Following a discussion it was resolved to pay per member £50 upon request to the Clerk, in the financial years, including, 2013/14. (The Clerk to seek clarification of the Remuneration Panel).

108/14 **Items for the next agenda.**

To consider, the roundabout at Maerdy Crescent, Castle Park, Councillor Elaine Forehead.

Meeting closed at 8.15p.m.

Signature:.....