

HONITON TOWN COUNCIL

**Minutes of the Meeting of the Town Council held at The Beehive, Dowell Street, Honiton
on Monday 14th March 2016 at 7.00pm**

Present

St Michael's Ward

Cllr A Alder
Cllr S Edwards
Cllr L Harvey-Ingram
Cllr K Hopkins
Cllr J McNally
Cllr D Perkins
Cllr J Taylor
Cllr J Wadsworth

St Paul's Ward

Cllr H Brown
Cllr R Coombs
Cllr P Halse
Cllr V Howard
Cllr C Kolek (Chairperson)
Cllr A Mountjoy

In Attendance

Cllr Sara Randall-Johnson – Devon County Council
Cllr Phil Twiss – East Devon District Council
Press - Callum Lawton – Midweek Herald, Peter Hodges - Pullmans
Member of the public – 1
Clerk in attendance – Chetna Jones (Town Clerk)

Prior to the meeting prayers were led by Father Gerald and Students, Parents & Teachers attended the Student Award evening in order for Students to be honoured

16/42 To receive apologies for absence

Apologies were received from Cllr C Melbourne (P) Cllr J Lake (P), Cllr G Smith (S), and Cllr K Smith (work).

Apologies were also received from Cllr Paul Diviani –County Council and Cllr John O'Leary – East Devon District Council.

16/43 To receive declarations of interest and receipt of requests for new DPI dispensations on items on the agenda

Cllr D Perkins – Director of Honiton Community Complex (P) and Beehive Hospitality Ltd (P) and a pecuniary interest relating to item 19 on the agenda and will be leaving the room.
Cllr S Edwards – Personal interest in Item 19 on the agenda
Cllr J Taylor – Pecuniary interest on item 17 on the agenda and will be leaving the room.

16/44 To receive and resolve as a correct record the [minutes of the Town Council meeting held on 8th February 2016](#) and [Extra Ordinary Town Council meeting held on 23rd February 2016](#)

Cllr Perkins stated that it be made clear that his declarations were as Director of Honiton Community Complex and Beehive Hospitality Ltd.

The minutes of the Town Council meeting held on 8th February 2016 and Extra-Ordinary meeting held on 23rd February 2016 were approved and signed by the Mayor as a correct record.

The Chairperson declared the meeting out of session

16/45 To receive the Report from the Police

The Police were unable to attend and a report will be available shortly.

16/46 To receive reports from District and County Ward Members

Cllr Randall-Johnson confirmed that Devon County Council had agreed to close Sutcombe Primary School and that she had been tasked to review all rural schools on behalf of People's Scrutiny.

Cllr Randall-Johnson also confirmed she will be attending a Highways and Traffic Order Committee (HATOC) meeting and will be reviewing the yellow line needs for Honiton as well as across the whole of East Devon.

Cllr Randall-Johnson is also taking part in discussions relating to Living Well at Home contract and how this can be delivered.

Cllr Halse declared a personal interest as he had a daughter who worked at Farway School.

Cllr Halse asked that due consideration be given to why the numbers have deteriorated so much at Farway School and whether the County Council could review the rent which could have a detrimental effect on the service offered by the 55+ club. Cllr Randall-Johnson confirmed that the building needed to be viable.

Cllr Hopkins asked that yellow lines be considered on Devonshire Road as parking was causing safety concerns. Cllr Randall-Johnson confirmed that she will contact the Town Clerk to obtain further details.

Cllr Kolek added that by closing small rural schools parental choice was being removed.

Cllr Twiss confirmed that everyone should have received their council tax bill and that EDDC had increased their contribution by £5 for a typical Band "D" household in order to continue providing services.

Cllr Twiss also confirmed that the new Jurassic Centre was opening at Easter and that a planning application for a new Premier Inn in Seaton had been received. In addition the Thelma Hulbert Gallery continued to provide workshops to both schools and Honiton Memory Café. The development of the new pocket park was also progressing and these services were improving the health and well-being of the people of Honiton.

Cllr Twiss confirmed that of 27 District Councils East Devon was rated the highest with regards to quality of life.

Cllr Hopkins asked for an update on recycling. Cllr Twiss confirmed that the current re-cycling rate was at 43% and the aim is by introducing the new contract that this rate will increase. Cardboard collection will be implemented fully by the end of the next financial year.

Cllr Randall-Johnson and Cllr Twiss left the meeting.

16/47 Public Question Time on items on the agenda

The Town Clerk advised that one public question had been received and the Mayor invited Mr Nix to speak.

Mr Nix asked what liabilities (if any) had been agreed by the Town Council at its Extra-Ordinary meeting of 23rd February 2016 and what benefit these would be to the people of Honiton.

The Mayor thanked Mr Nix and confirmed that the matter was confidential and legally sensitive and could not be discussed with the public at the moment and a press release will be provided in due course.

The Chairperson declared the meeting back in session

16/48 Mayor's Announcements and Questions for the Mayor

The Mayor informed the Town Council that she had attended the following:

- Dementia Training
- Thelma Hulbert Gallery yarn day working towards creating a memory tree.
- Villages in Action event in Awliscombe
- AGM of Honiton & District Chamber of Commerce & Industry where it was noted that working relationships between the two had improved with Cllr Alder actively involved, work in TIC was in progress
- Met with local resident to discuss various issues on footpaths when using mobility scooters

16/49 To receive, confirm and sign the minutes of the Policy meeting dated 7th March 2016 (attached) and to resolve the following recommendations of the Policy Committee:

A copy of the minutes had been circulated in advance.

It was agreed unanimously by those members present at the Policy meeting that the minutes be approved and signed by the Chairman, Cllr P Halse.

- a) To set up a Town Floral Display Working Group and that the group be given delegated power to define the Terms of Reference and ability to authorise work up to the budgeted amount.**

Cllr Alder proposed the above motion. This was seconded by Cllr Harvey-Ingram and **RESOLVED** unanimously.

It was agreed unanimously that the following councillors be members of the working group:

Cllr G Smith
Cllr H Brown
Cllr P Halse
Cllr C Kolek

- b) To set up the Community Engagement Forum with the Terms of Reference and membership as specified in the report**

Cllr Harvey-Ingram proposed the above motion. This was seconded by Cllr Mountjoy and **RESOLVED** unanimously.

- c) To adopt the Action Plan (attached) as approved by the Policy Committee**

Cllr Wadsworth proposed the above motion. This was seconded by Cllr Halse and **RESOLVED** unanimously.

- d) To submit an application for Quality Award status in the new Local Council Award Scheme**

Cllr Hopkins proposed that the invoices be paid. This was seconded by Cllr Halse and **RESOLVED** unanimously.

- e) To approve the Policy on Preparation of Minutes (attached)**

Cllr Wadsworth proposed the above motion. This was seconded by Cllr Mountjoy and **RESOLVED** unanimously.

- f) To resolve the recommendation as per the report on Sanctions and Non-Members (attached).**

Cllr Perkins and Cllr Taylor declared an interest and left the room.

Cllr Wadsworth proposed that the request be approved. This was seconded by Cllr Harvey-Ingram and **RESOLVED** (3 against).

Both Cllr Perkins and Cllr Taylor entered the room.

It was noted that Cllr Taylor would have liked the opportunity to comment on committee representation but as this had been included with the sanctions he had not been given that opportunity.

16/50 To ratify the designs (attached) for new playground equipment at Langford Avenue and Davey Playing Field (Bowling Green / Millers Way) using s106 funding as chosen by local school children with the assistance of EDDC and the Open Spaces Working Group and to delegate authority to the Town Clerk to liaise with EDDC with regards to the completion of this project

Cllr Hopkins proposed the above motion. This was seconded by Cllr Alder and **RESOLVED** unanimously.

16/51 To approve:

a) To purchase blinds for Town Council 3 Offices by selecting one of the three quotes obtained from local suppliers as follows:

- i. £932.00 plus VAT
- ii. ££1,137.50 plus VAT
- iii. £740.48 plus VAT

And to delegate authority to the Town Clerk to instruct the chosen supplier and release payment.

Cllr Hopkins proposed that the Town Council proceed with the motion above with option iii at a cost of £740.48 plus VAT. This was seconded by Cllr Harvey-Ingram and was **RESOLVED** unanimously.

b) Proceed with transferring reserves to one of three ethical and or mutual banks/building societies from the following:

- i. **Business Instant Saver up to 0.80% interest (with the option of fixing some of the funds for one year at a later stage to earn higher interest)**
- ii. **Co-operative Bank Business Select Instant Access up to 0.05%**
- iii. **Unity Trust Tailored Deposit Account up to 0.16% interest**

And to delegate authority to the Town Clerk to set up the chosen account and transfer reserves to the selected account

Cllr Brown proposed that Co-operative bank should not be used in light of their recent decision to close bank account held by Palestine Solidarity Campaign groups. This was seconded by Cllr Alder with no majority in favour and the motion was denied.

Cllr Hopkins proposed that the Town Council proceed with the motion above with option i as the favoured option. This was seconded by Cllr Harvey-Ingram. Cllr Perkins asked that an amendment be made to deposit up to the amount covered under the FSCS and review at a later again a later stage. The amendment was agreed by the proposer and seconder was **RESOLVED** (1 abstention).

c) Use of EDDC approved suppliers for:

- i. **Signs for Dowell Street Car and Coach Park at a total price of £1,464 by AG Signs (designs attached);**
- ii. **Carry out further line marking work at a cost of £425 by JHB (UK) Ltd;**

And to delegate authority to the Town Clerk to instruct both suppliers and release payment.

Cllr Alder proposed the above motion be approved. This was seconded by Cllr Hopkins and **RESOLVED** (1 against).

- d) Replace original wireless link that has failed in order to ensure all seven cameras are in operation at a cost of £445 plus VAT (cost to be carried forward into next budget allocation for CCTV) and delegate authority to the Town Clerk to instruct and release payment.**

Cllr Harvey-Ingram proposed the above motion be approved. This was seconded by Cllr Wadsworth and **RESOLVED** unanimously.

16/52 To agree that the Town Council takes part in celebrating the Queen's 90th Birthday with local people by arranging a "Street Party" to be held in Dowell Street Car and Coach Park on 12th June 2016 3 – 5pm and to set up a small working group with delegated authority to carry out the arrangements within an approved budget.

Cllr Brown left the room.

Cllr Hopkins proposed the above motion but no budget was identified or agreed. This was seconded by Cllr Alder and **RESOLVED** unanimously.

It was agreed that there will be a 1920's theme with entertainment such as Punch and Judy and dancing and that the car park will need to be closed for that afternoon. It was also agreed that the press be asked to promote this event and assist with identifying anyone who shared the same birthdate as the Queen in order that they may be recognised as part of the celebration.

It was also agreed that Cllr Kolek, Cllr Alder and Cllr Hopkins form the working group.

16/53 To receive a progress report from the Tourist Information Working Group

The progress report had been circulated in advance.

Cllr Mountjoy as chair of the working group thanked fellow members of the working group, Cllr Melbourne, Mr McCollum (Chamber of Commerce) and Ali Eastland (DCC Locality Officer).

Cllr Brown re-entered the room.

Cllr Mountjoy confirmed that the Town Council had been awarded £2,000 from Cllr Randall-Johnson and Cllr Diviani's locality funds to use towards carrying out an options exercise and that work on a brief was taking place. The brief will be used by 3 groups to bid for the work.

Cllr Mountjoy also confirmed that all the paperwork had now been received from TIC Ltd and full accounts will be available early April and that the delay had been due to illness.

Councillors felt that the use of the building should be part of the consideration and that once options had been identified to consider advertising for providers.

It was agreed to include the use of the building and set a response date in the briefing.

16/54 To receive reports from Members with special responsibilities

Cllr Halse - LAG

Cllr Halse reported that he had attended the LAG meeting on behalf of the Town Council and confirmed that the Police had requested a further 3 CCTV cameras at a cost of approximately £2,000 and that the Safety Partnership Scheme would be able to provide £1,000 towards this

cost. He confirmed there would be further costs and the Police have been asked to provide evidence to confirm that these 3 cameras were needed.

Cllr Howard - Twinning

Cllr Howard reported that a Twinning dinner had been arranged for 31st March and all Councillors were welcome to attend. Cllr Howard thanked the Town Clerk for circulating the details including the cost of the meal.

Cllr Alder – Chamber of Commerce

Cllr Alder confirmed that she had met with a union representative from CWU regarding the proposed closure of the crown post office in the High Street. Cllr Alder asked that each councillor complete a petition sheet.

The Clerk confirmed that she had a template letter for Mr Neil Parish MP which all councillors could use to write to the MP. It was also agreed that a letter be sent from the Town Council.

Cllr Harvey-Ingram & Cllr Brown – Youth Group

Cllr Harvey-Ingram reported that Richard Marker had agreed to be the patron of the youth group charity and that Combe Estates will be funding the youth workers. Cllr Brown reported that the youth club was going from strength to strength with an average of 30 – 40 children attending. Cllr Brown confirmed that one week there were 49 children attending the year 7 – 9 session and that 50% of the children attending were Pupil Premium Students. Cllr Harvey-Ingram confirmed that the new ramp had given access to many more children.

Cllr Mountjoy

Cllr Mountjoy confirmed that the Air Cadets would like to plant the celebration tree at the back of Dowell Street Car Park. Cllr Perkins advised that consideration be given to storage needs when planting the tree and this was unanimously agreed.

16/55 Town Clerk – to note correspondence received and to resolve any matters arising (late correspondence to be tabled)

The list of correspondence received from 9th February 2016 to 8th March 2016 had been circulated in advance.

Devon County Council

1. Devon Minerals Plan – Statement of Submission and Availability of Submitted Documentation
2. Community News Roundup February 2016 – Tour of Britain returns to Devon and to include Honiton
3. Turks Head Update – Road Closures
4. Road Improvements through AONB Project – link to site providing details of the proposals

East Devon District Council

5. The Knowledge issues 38, 39, 40 and 41 including a section on making decisions for the local community and being fair and lawful.
6. Council Tax Figures
7. Public Spaces Protection Orders

Other

8. Refugees Support (Devon) – Brief available via link
9. Everys Solicitor – Mullins Trust fund are available
10. Letter from resident in Tremaine Close with his concerns regarding the practicalities of coach parking
11. NHS Northern, Eastern and Western Devon CCG – 3 Community Representative Vacancies

12. Letter from local publisher asking if the Town Council would like to purchase stock of Viva Juanita (Biography of Former Mayor) for local use.
13. Junkmail Newsletter – Issue 17
14. Letter from resident of Dunning Court regarding the inability to store motor scooter on the second floor landing of Dunning Court
15. DALC newsletter – March 2016
16. HM Queen Elizabeth II 90th Birthday celebration commemorative available to purchase
17. Local Council's Update – March 2016 (Issue 193)
18. Clerks and Councils Direct - March 2016 (Issue 104)
19. Clerk magazine – March 2016

Item 12 – It was agreed that the Town Clerk writes back and confirms that the Town Council were not in a position to purchase the books at the moment.

Item 14 – The Mayor confirmed she had met with the resident and will be reviewing the matter.

Late Correspondence received from 9th March 2016 to 14th March 2016

East Devon District Council

- a) The Knowledge issue 42

Other

- b) Email from NALC – Bulletin on National Developments and Meetings
- c) DALC Highways Conference – Exeter 16th March 2016
- d) DALC – Smaller Authorities' Audit Appointments. DALC January Newsletter
- e) Newsletter from Blackdown Hills AONB
- f) Email from resident with questions regarding the budget and precept
- g) Email from Glyn Smith-Wild – Freedom of Information – Lace Walk
- h) Email from Western Counties – Meeting with Cllr Alder
- i) Historic Towns Forum – Events update
- j) Local Government News – Weekly Newsletter

Item g) Cllr Alder confirmed that the Chamber of Commerce were having discussions with Lace walk regarding the empty spaces.

Item f) The Clerk confirmed that information relating to the population, number on electoral register and the budget had been confirmed with the resident.

The meeting was adjourned for 5 minutes at 9.13pm and recommenced at 9.18pm

16/56 Exclusion of the Public

It was **RESOLVED** unanimously that the press and the public be excluded from the meeting.

Cllr Taylor left the room.

16/57 To review the advice received from Town Council's appointed Counsel and make resolutions

Reason for consideration in Part B:

- A. **Information relating to this item may prejudice the commercial interest of a particular person or company (including the council)**
- B. **The report details confidential legal information and has the protection of legal professional privilege.**

Information had been made available in advance for councillors to view prior to the meeting.

- a) **To ratify the letters sent on 26th February 2016 to Pardoes, 1st March to Councillor Taylor regarding sanctions being withdrawn as per Counsel's advice and 7th March to Pardoes asking for confirmation that their client agrees to discontinue with the application.**

Cllr Mountjoy proposed that the letters sent be ratified as these were in line with the previous resolution to progress this matter. This was seconded by Cllr Harvey-Ingram and **RESOLVED** (2 abstentions).

- b) **To consider the options provided and agree the best option moving forward and approve a budget associated with the chosen option**

The Town Clerk provided further comments from Counsel regarding the options available to the Town Council.

A lengthy debate took part with each councillor being given the opportunity to speak and concerns were raised regarding:

- The expedient option was to concede
- Continuing would not be good use of public money
- Still require sanctions and Counsel should provide his opinion on what sanctions can apply
- Obvious from pre-application letter that EDDC were not involved
- Aware this was not good use of public money but councillor behaviour should be considered

Cllr Kolek confirmed that she was mindful that information provided by the Clerk to councillors had made its way back to the claimant's solicitor and reminded councillors of the reasons why this matter was confidential and the need for all councillors to adhere to this.

Cllr Brown left the meeting.

Cllr Kolek proposed that the Town Council proceeded by suspending Standing Orders in order to extend the meeting until 10.30pm. This was agreed unanimously.

Standing Orders were suspended.

Cllr Halse proposed:

That the Town Council concedes with the sanctions imposed on Cllr Taylor with the proviso that it conceded just on the sanctions themselves and not on any of the background information that has been added into the claim;

That the costs when presented will be carefully scrutinised to ensure fairness and prudent use of public money.

Cllr Coombs requested a recorded vote.

		FOR	AGAINST	ABSTAIN
1	Cllr Alder	X		
2	Cllr Brown	Left Meeting		
3	Cllr Coombs			X
4	Cllr Edwards		X	
5	Cllr Halse	X		
6	Cllr Harvey- Ingram		X	
7	Cllr Hopkins	X		
8	Cllr Howard			X
9	Cllr Kolek	X		
10	Cllr Lake	Not present		
11	Cllr McNally		X	
12	Cllr Melbourne	Not present		

Signed Chairperson

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13	Cllr Mountjoy		X	
14	Cllr Perkins		X	
15	Cllr G. Smith	Not present		
16	Cllr K. Smith	Not present		
17	Cllr Taylor	Not present		
18	Cllr Wadsworth		X	
	Total	4	6	2

The motion was not carried.

The issue of cost was discussed and the Clerk confirmed that Insurance Indemnity was not available for Judicial Review.

Cllr Hopkins proposed that the Town Council re-voted on this matter and this was seconded by Cllr Alder.

Cllr Coombs requested a recorded vote.

		FOR	AGAINST	ABSTAIN
1	Cllr Alder	X		
2	Cllr Brown	Left Meeting		
3	Cllr Coombs			X
4	Cllr Edwards	X		
5	Cllr Halse	X		
6	Cllr Harvey- Ingram	X		
7	Cllr Hopkins	X		
8	Cllr Howard			X
9	Cllr Kolek	X		
10	Cllr Lake	Not present		
11	Cllr McNally			X
12	Cllr Melbourne	Not present		
13	Cllr Mountjoy	X		
14	Cllr Perkins	X		
15	Cllr G. Smith	Not present		
16	Cllr K. Smith	Not present		
17	Cllr Taylor	Not present		
18	Cllr Wadsworth	X		
	Total	9	0	3

The Town Clerk advised the Town Council that according to Standing Orders the same motion cannot be voted on.

Cllr Halse proposed:

That with regret the Town Council resolves to concede the Judicial Review claim regarding sanctions imposed on Cllr Taylor with the proviso that it concedes just on the sanctions themselves and not on any of the background information that has been added into the claim; That the costs when presented will be carefully scrutinised to ensure fairness and prudent use of public money bearing in mind that the Town Council insurance does not cover the costs associated with Judicial Reviews.

Cllr Coombs requested a recorded vote.

		FOR	AGAINST	ABSTAIN
1	Cllr Alder	X		
2	Cllr Brown	Left Meeting		
3	Cllr Coombs			X
4	Cllr Edwards	X		
5	Cllr Halse	X		
6	Cllr Harvey- Ingram	X		

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7	Cllr Hopkins	X		
8	Cllr Howard			X
9	Cllr Kolek	X		
10	Cllr Lake	Not present		
11	Cllr McNally		X	
12	Cllr Melbourne	Not present		
13	Cllr Mountjoy	X		
14	Cllr Perkins	X		
15	Cllr G. Smith	Not present		
16	Cllr K. Smith	Not present		
17	Cllr Taylor	Not present		
18	Cllr Wadsworth	X		
	Total	9	1	2

This was **RESOLVED**.

It was agreed that the Town Clerk takes advice from Counsel on the exact wording for the response that will be required.

c) To determine whether to use Solicitors or keep the work in-house (increase in workload) and to provide a budget for this.

Cllr Halse proposed that preference was to keep the work in-house in order to keep the costs to a minimum but consideration to use solicitors should be given should the need arise because it was difficult to cope or that it was identified that solicitor involvement was required and that the previously agreed budget should remain. This was seconded by Cllr Kolek and was **RESOLVED** unanimously.

Cllr Taylor returned to the room.

It was agreed to consider agenda item 19 before 18.

Cllr Perkins and Cllr Edwards left the room.

16/58 To approve that Cllr Perkins be able to direct the Town Clerk to instruct solicitors on his behalf in connection with pre – prosecution advice and representation in the period to 16th March 2016 (and to seek an indemnity in respect of the obligation to pay those legal fees through the Council's insurers on the basis of the Council's applicable insurance policy.

Reason for consideration in Part B:

- A. Information relating to this item may prejudice the commercial interest of a particular person or company (including the council)**
- B. The report details confidential contractual information.**

Cllr Wadsworth proposed that Cllr Perkins be able to direct the Town Clerk to instruct solicitors on his behalf in connection with pre – prosecution advice and representation in the period to 16th March 2016 and to seek an indemnity in respect of the obligation to pay those legal fees through the Council's insurers on the basis of the Council's applicable insurance policy. This was seconded by Cllr Harvey-Ingram and **RESOLVED** (1 against).

Cllr Kolek proposed that the meeting be extending further until all items on the agenda had been considered. This was agreed unanimously.

16/59 To note correspondence from the Town Council's solicitor) with regards to access rights and potential right of way claim and to make a further provision of £500 to deal with correspondence with the FTT until directions are set.

Signed Chairperson

11th April 2016

Reason for consideration in Part B:

- A. Information relating to this item may prejudice the commercial interest of a particular person or company (including the council)
- B. The report details confidential legal information and has the protection of legal professional privilege.

The Town Clerk provided further advice from the Town Council's solicitor that had been received earlier that day confirming that the applicant had withdrawn the application with Land Registry.

Cllr Perkins re-entered to the room.

Cllr Coombs proposed:

That the gate be removed and returned to the owner

That the fence be extended in place of the gate

That the kerb be raised and

That the hatched markings be removed in order that a coach may park in this space

This was **RESOLVED** (2 against).

Cllr Edwards re-entered to the room.

16/60 To receive the minutes of the Employment Committee dated 9th March 2016 and to approve the following recommendations:

- a) **To approve the incremental increases**
- b) **To approve that EDDC Payroll Services provide the service in matters relating to payroll and pension at a cost of £458 per annum (linked to annual increase by the % value of the NJC agreed pay awards) as it is the Town Council's duty to ensure that they meet all new legislative requirements and information is provided within limited timescales to avoid automatic penalties.**
- c) **To approve that overtime will be awarded for Office staff in respect of potential increase in workload**

Reason for consideration in Part B:

- A. **Information relating to this item involves the business affair of a particular person as an employee, disclosure of which would breach the obligations of the council under the Data Protection Act 1988**
- B. **The report details confidential contractual information.**

Cllr Taylor declared an interest in item c and left the meeting.

Cllr Hopkins proposed that the minutes be approved and signed and that items a) to c) be approved. This was seconded by Cllr Wadsworth and was **RESOLVED** unanimously.

16/61 To close the meeting

The meeting was closed at 10.46pm.