

HONITON TOWN COUNCIL

Minutes of the Meeting of the Town Council held at the Town Council Offices, The Beehive, Dowell Street, Honiton on Monday 9th July 2018 at 7.00 pm

Present

St Michael's Ward

Cllr Sheila Edwards
Cllr Jill McNally
Cllr John Taylor
Cllr John Zarczynski
Cllr Philip Carrigan

St Paul's Ward

Cllr Henry Brown (Chairman)
Cllr Terry Darrant
Cllr Vera Howard
Cllr Daniel Jefferson
Cllr Mike Jones
Cllr Caroline Kolek
Cllr Duncan Sheridan-Shaw
Cllr Roy Coombs
Cllr R Hanratty

In attendance

Mark Tredwin, Honiton Town Clerk
Heloise Marlow, Deputy Town Clerk
Cllr Phil Twiss EDDC/DCC
Five members of the public
2 members of the press

PART A

18/674 The Chairman welcomed Councillors and members of the public.

18/675 To receive apologies for absence

Cllr N Macve – Personal reasons
Cllr Dean Barrow EDDC

18/676 To receive declarations of interest and receipt of requests for new DPI dispensations on items on the agenda

Cllr Edwards – Items 14 and 15 – Member of the Honiton Community Complex charity.

18/677 To note the grant of dispensations made by the Town Clerk in relation to the business of this meeting.

None were made.

The meeting went out of session at 7.03pm

18/678 Public question time on items on the agenda

- Mrs Howe raised the following question:

In the light of the Mayor's wish for transparency, can he explain why certain items on the Agenda are put into Part B – Exempt items where the press and public are excluded? In particular there are two items on the Agenda relating to the Beehive and whilst item 15 relates to a dispute which may legitimately be an exempt item, there was concern that a decision would be made in relation to item

14 Beehive Car Park with councillors unaware of the impact and consequences such a decision would have. Had the Council prepared a cost analysis or risk assessment regarding a pay and display car park especially in view of the fact that the decision will be made during the meeting when members of the public are not admitted?

The Town Clerk began by apologising for the error in the agenda regarding the description relating to item 15 which should have read "To update members of the response from the Beehive following the clerks request for further information".

The Mayor responded to the public question as follows. The Council are not obliged to carry out an impact assessment regarding the proposal to reinstate a pay and display car park at Dowell Street. The matter is in part B as it is of a contractual nature and the Council would not be able to negotiate with other contractors if the item was in Part A. There is no obligation to consult with stakeholders. The car park is a public car park as set out in the land transfer document and is separate from the Beehive.

- The Town Clerk read out a letter received from Mr Stephen Kolek who was unable to attend the meeting due to work commitments. Mr Kolek asked for a written response from Cllr Taylor regarding the statement he had made at the Extraordinary Meeting on the 26th June 2018 relating to 13 tickets for the Mayors Charity ball which had not been paid for. Mr Kolek requested that Cllr Taylor explain why he was raising this issue again when the matter had already been discussed and resolved.

Cllr Taylor confirmed that he would provide Mr Kolek with a written response. However, he reiterated that the Deer Park Hotel charged the Council for 133 covers. The paying in book only shows 120 payments and as such the Council had to pay for the extra 13 covers amounting to over £500.00.

The meeting went back into session at 7.15 pm

18/679 The Mayor's announcements

Cllr Brown advised that he had attended an event at the Scout Hut on equality and thanked Cllrs Kolek, Edwards, Sheridan-Shaw and Macve for attending on other evenings. He had also attended the opening of the Railway Inn with other Councillors and the opening of the new IT facility with Age UK at the over-55 centre. With Cllrs Sheridan-Shaw, Kolek, Edwards and Jones and the Town Clerk he had helped to clean the war memorial with the scouts. He had also attended the 70th photo celebration event for the NHS at the hospital and an event at the memory café.

18/680 To confirm the accuracy of the minutes of the Full Council meeting held on 11th June 2018 and the Extraordinary Full Council meeting held on the 26 June 2018.

Cllr Coombs queried the manner in which past agendas and minutes were made available on the Council's website. Some agendas have hyperlinks to reports which are no longer available once the agenda has been archived to make way for the next agenda. The Town Clerk confirmed that this was an issue which needed to be

resolved and that he was looking into a new website for the Council.

Cllr McNally queried the draft minutes of the meeting on the 11th June as these stated that Cllr Zarczynski had chaired the meeting when it was in fact Cllr Brown who had chaired the meeting. The Town Clerk confirmed that this error would be rectified.

Cllr Zarczynski queried the draft minutes of the Extraordinary meeting on the 26th June. The minutes state that Members resolved to approve the Annual Governance and Accountability Return for the year ended 31st March 2018 and to authorise the Mayor and Town Clerk to sign the document on behalf of the Council. Cllr Zarczynski advised that members had not voted unanimously for two of the items on the AGAR and that this should be noted in the minutes. The Deputy Clerk advised that she had written the minutes in line with minutes from previous years and the Town Clerk reminded members that minutes should not be a verbatim account of what had occurred at a meeting and that it was up to the minute taker to record the meeting's events. Whilst there had been a split vote on two of the questions, the majority had voted to accept the AGAR and it was that decision that was recorded in the minutes. No councillor had asked for a recorded vote at the meeting on the 26th June and as such the minutes were accurate.

Motion was proposed by Cllr M Jones and seconded by Cllr S Edwards that:

“Members **RESOLVE** to confirm the accuracy of the minutes of the Extraordinary Full Council meeting held on the 26th June 2018.

Cllr Zarczynski requested a recorded vote -a recorded vote was taken as follows:

For: Cllr H Brown, Cllr S Edwards, Cllr V Howard, Cllr D Jefferson, Cllr M Jones, Cllr D Sheridan-Shaw

Against: Cllr R Coombs, Cllr J McNally, Cllr J Taylor, Cllr J Zarczynski

Abstentions: Cllr T Darrant, Cllr C Kolek, Cllr R Hanratty, Cllr P Carrigan.

The motion was carried.

18/681 Reports from District and County Councillors

The following report was received from Cllr P Twiss:

As we approach the 'end of term' at DCC and the fast approaching summer break there is plenty of activity on the meetings front at County Hall, where I hope to be able to catch up on any backlog in August.

I have been asked to take on a role at DCC by the Leader of the Council that will as liaison between the Adult Health Scrutiny committee, the CCG, NHS, the DCC cabinet and the commissioning part of DCC, additionally sitting on the Council of Governors of the R, D & E Hospital Trust as the DCC appointed representative.

The role is 'Scrutiny in a Commissioning Council' and my work is how to get a more effective and seamless way of working together and understanding how this can work more effectively than currently to benefit residents.

I am attending an update meeting tomorrow at County Hall with the Director of Strategy at the local CCG and the Head of Commissioning and health at DCC to reflect on the experience of partnership working through the STP in the last two years and an early view on discussions with DCC members at all levels on how this might shape thinking for the future

Roads & Bridges

I am pleased that a combination of planned spending and additional winter damage funding will see additional re-surfacing take place in Honiton for this financial year.

Repair work undertaken by Skanska on behalf of DCC is finally having positive effect with repairs looking likely to last longer than previously using varying types of repair systems and surfacing materials.

Other information

Devon County, West and Teignbridge District Councils, Exeter City Council and the Police, are all working with Crowdfunder, to build opportunities for community groups to bid for finance to help local projects get off the ground.

The pilot partnership will be called Crowdfund Devon, see <https://www.devonnewscentre.info/crowdfund-devon-pilot-councils-to-support-crowdfunded-community-projects/>

Crowdfunding is a way of raising money from people who are happy to donate it to good causes, or it's given in return for some sort of reward later on. It's an idea that has grown in popularity each year, along with other alternative ways of raising cash.

Collectively, Devon's councils already give thousands of pounds each year to support community groups and to help kick-start local projects that make a positive difference for residents. The Crowdfund Devon pilot partnership will enable the County Council, West, Teignbridge and Exeter City Councils and the Police, to explore crowdfunding as an alternative way to support communities and to see if bringing together their funds with those of the public and other funders will make a greater impact; making the things that matter locally a reality for more communities.

Crowdfund Devon is set to launch this month, July 2018, with an event at County Hall, Exeter on Thursday 12 July to which community groups and interested members of the public are invited to find out more about how the crowdfunding scheme will work.

I think this this is something to file away for the time being for possible future use.

18/682 Reports from the Police (recorded crimes and logs)

Members noted the June figures.

18/683 Reports from Councillors with Special Responsibilities

Cllr Mike Jones updated Members regarding Open Arms who now had 26 members.

As a result, space for meetings was becoming difficult.

Cllr Vera Howard advised Members that the Twinning Committee would be meeting on the 19th July at 7.30pm – All Councillors and members of the public were welcome to attend. There would be an update given in respect of the recent twinning meeting which was a great success.

18/684 Update Report

The Town Clerk presented the report which was noted. Since writing the report an Extraordinary Meeting has been arranged for the 16th July 2018 to discuss a proposal for land purchase by the Council. The agenda and report for this meeting will be distributed as soon as possible.

PART A MATTERS FOR DECISION

18/685 To receive the minutes of the Planning Committee held on the 5th June 2018 and 19th June 2018.

The minutes were received and noted.

18/686 Committee Membership and representation on outside bodies

The report was received and noted. The following changes were proposed:

Cllr Coombs – Policy Committee

Cllr Jones – Finance Committee

Cllrs Hanratty, Kolek, Jones and Jefferson – Town Management Committee.

The Town Clerk advised that the Mullins Trust no longer required a Councillor member.

Members **RESOLVED** unanimously to accept the changes above. Proposed by Cllr McNally and seconded by Cllr Sheridan-Shaw.

18/687 List of receipts and payments

Members **RESOLVED** unanimously to approve the following schedule of payments for June 2018.

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| Honiton Town Council - Receipts and Payments Schedule - Month 3 June 2018 |
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| Receipts received between 01/06/2018 and 30/06/2018 | | | | | | | |
|---|------------------------|------------|-----------------------|------|--------|-----------------------|----------------------------|
| Receipt Ref | Name of Payer | Date | £ Amount Banked | A/c | Centre | £ Amount Received | Transaction Detail |
| 3 | Banked: | 07/06/2018 | £ 200.00 | | | | |
| 3 | W H Smith | | | 1235 | 105 | £ 200.00 | Christmas Light Donation |
| 4 | Banked: | 07/06/2018 | £ 35.00 | | | | |
| 4 | Open Arms East Devon | | | 1150 | 100 | £ 5.00 | Charter day Stall |
| 4 | Greyhound trust | | | 1150 | 100 | £ 5.00 | Charter day Stall |
| 4 | Honiton Family Church | | | 1150 | 100 | £ 5.00 | Charter day stall |
| 4 | Rotary | | | 1150 | 100 | £ 10.00 | Charter day stall |
| 4 | Ferne Animal Sanctuary | | | 1150 | 100 | £ 5.00 | Charter day stall |
| 4 | April cottage cards | | | 1150 | 100 | £ 5.00 | Charter Day Stall |
| 500445 | Banked: | 09/06/2018 | £ 629.00 | | | | |
| 500445 | Market Income | | | 1300 | 200 | £ 261.00 | Stalls 29-05 |
| 500445 | Market Income | | | 1300 | 200 | £ 368.00 | Stalls Sat 02-06 |
| 500446 | Banked: | 16/06/2018 | £ 822.00 | | | | |
| 500446 | Market Income | | | 1300 | 200 | £ 364.00 | Market Stalls 5 June 2018 |
| 500446 | Market Income | | | 1300 | 200 | £ 458.00 | Market Stalls 9 June 2018 |
| 500447 | Banked: | 21/06/2018 | £ 486.00 | | | | |
| 500447 | Market Income | | | 1300 | 200 | £ 140.00 | Market Stalls tues 12 June |
| 500447 | Market Income | | | 1300 | 200 | £ 346.00 | Market stall |
| 500448 | Banked: | 30/06/2018 | £ 708.00 | | | | |
| 500448 | Market Income | | | 1300 | 200 | £ 319.00 | Market stalls Tues 19 June |
| 500448 | Market Income | | | 1300 | 200 | £ 389.00 | Market stalls sat 23 June |
| | Total Receipts: | | £ 2,880.00 | | | £ 2,880.00 | |

Signed Chair

13th August 2018

| Payments made between 01/06/2018 and 30/06/2018 | | | | | | | | |
|---|--------------------------------|-----------|-------------------|-----------------|------------|-----|-------------------|-------------------------------|
| Date | Payee Name | Reference | £ Total Amnt | £ VAT | A/c Centre | | £ Amount | Details |
| 14/06/2018 | CRW Print | BACS | £ 135.20 | | 4680 | 180 | £ 135.20 | Charter Day printing |
| 14/06/2018 | Viridor | BACS | £ 65.04 | £ 10.84 | 4820 | 210 | £ 54.20 | Market Waste |
| 14/06/2018 | Viridor | BACS | £ 120.94 | £ 20.16 | 4820 | 210 | £ 100.78 | Market waste |
| 14/06/2018 | Top to Bottom Cleaning | BACS | £ 162.00 | £ 27.00 | 4430 | 150 | £ 135.00 | May Cleaning |
| 14/06/2018 | M Tredwin | BACS | £ 8.30 | | 4220 | 120 | £ 8.30 | Coffee and milk |
| 14/06/2018 | Exbourne Planning Services | BACS | £ 1,511.00 | | 4600 | 180 | £ 1,511.00 | Allotment planning Services |
| 14/06/2018 | Honiton Community Complex | BACS | £ 50.00 | | 4405 | 150 | £ 50.00 | Room Hire planning 05-06 |
| 14/06/2018 | D Jefferson | BACS | £ 29.94 | | 4260 | 120 | £ 29.94 | Land registry search |
| 14/06/2018 | T Darrant | BACS | £ 9.09 | | 4130 | 110 | £ 9.09 | Mileage Planning forum |
| 14/06/2018 | Voice Over IP | BACS | £ 98.48 | £ 16.41 | 4200 | 120 | £ 82.07 | May phone and broadband |
| 14/06/2018 | Honiton Community Complex | BACS | £ 50.00 | | 4405 | 150 | £ 50.00 | Room hire Full 11-06 inv 2040 |
| 14/06/2018 | Royal British Legion | BACS | £ 1,500.00 | | 4750 | 190 | £ 1,500.00 | Silent Soldiers |
| 14/06/2018 | BT | DD | £ 114.19 | £ 19.03 | 4200 | 120 | £ 95.16 | Phone and broadband |
| 15/06/2018 | Rialtas Business Solutions Ltd | DD | £ 96.00 | £ 16.00 | 4320 | 140 | £ 80.00 | Omega Additional licences |
| 26/06/2018 | Lloyds bank | DD | £ 40.45 | | 4255 | 120 | £ 40.45 | Bank Charges |
| | | | £ 3,990.63 | £ 109.44 | | | £ 3,881.19 | |

Proposed by Cllr Zarczynski and seconded by Cllr McNally.

18/688 Insurance confirmation

The report was received and noted. The Town Clerk confirmed that the proportion allocated to the Beehive would be reimbursed to the Town Council. Cllr Taylor queried whether the premium was calculated based on the updated rebuild costs of the Beehive. The Town Clerk advised that he was still looking at the asset register. It was also confirmed that the insurance increase was based on RPI.

Members **RESOLVED** to confirm payment of the insurance premium for the year 2018-19 in the sum of £5,722.58.

Proposed by Cllr Jones and seconded by Cllr Sheridan-Shaw.

Signed Chair

13th August 2018

The meeting went into confidential session at 7.50 p.m.

PART B

18/689 Beehive Car Park

The report was received and noted. The following points were discussed:

- There is no need for a public consultation on the matter. A notice regarding the charges must be put up each year.
- How would charging impact the groups who use the Beehive?
- The Council has a duty to use its assets to promote the Council and the Town. The car park is one of the few assets owned by the Council.
- The possible cost of remedial works.
- How introducing car parking charges have worked at the Manor Pavilion Theatre in Sidmouth.
- Whether the car park should be run in the same way as the town's EDDC car parks.
- Cost of having a car park – for example – the cost of re-surfacing should there be an oil spillage. Current costs relating to hedge cutting.
- Would the existing disabled spaces be chargeable?
- Whether the income generated from the car park would be set aside.
- What long-term planning is in place by the Council.
- If the car park were to be run with EDDC, EDDC would fund the car parking machines needed.
- How would introducing car parking charges affect the Council's relationship with the Beehive?
- Disquiet was raised if a private parking company was instructed to manage the car park rather than EDDC.
- The possible terms of an agreement with EDDC.
- It was always envisaged that the car park would be fee paying and this had been part of the terms of original transfer of the car park.
- What lease term should be proposed to EDDC?
- There were currently drainage issues with the car park which needed to be resolved. Should Midas Construction be held responsible for these?
- Whether it was right not to include members of the public and the users of the Beehive in the discussion?
- What period of grace should be allowed for dropping of users of the Beehive?
- As the car park has been free of charge for so many years, do users expect this to continue and if so should the Council do an impact assessment even if not legally required to do one?

- Would an impact assessment be of any use as all users of the car park will inevitably request free parking? All users would have 10 minutes free parking. Could this be extended to 15 minutes?
- There are issues with the street lighting as this is on intermittently – who pays for the electricity?
- How will the car park regulations be enforced after 6pm?
- What coach parking will be available. Was it a planning condition that coach parking should be available? Where would light vehicles park?
- Parking permits would be given to Town Council and Beehive staff, but Councillors would not be given permits. It would be for the Council to decide on how many permits to issue.
- Would the Beehive volunteers receive parking permits?
- When the Beehive opened the Town Council made it clear that whoever was managing the building would need to do so sustainably and without the need for subsidies. If car parking charges are introduced this would impact on the users of the building who might go elsewhere, and this would substantially impact on the sustainability of the Beehive company.

The following motion was proposed by Cllr Zarczynski and seconded by Cllr Jefferson:

Members **RESOLVE** to accept the proposed Parking Order and to authorise the officers to proceed with ensuring that the Dowell Street Pay and Display Car Park is implemented at the earliest opportunity with EDDC. Any lease will require ratification at a Full Council meeting.

Cllr Edwards requested a recorded vote -a recorded vote was taken as follows:

For: Cllr H Brown, Cllr D Jefferson, Cllr D Sheridan-Shaw, Cllr R Coombs, Cllr T Darrant, Cllr R Hanratty, Cllr J McNally, Cllr J Taylor, Cllr J Zarczynski, Cllr P Carrigan.

Against: Cllr S Edwards, Cllr V Howard, Cllr M Jones, Cllr C Kolek.

The motion was carried.

18/690 Beehive SLA dispute

The report was received and noted. The Town Clerk confirmed that he was due to meet with Mr B Symonds to discuss issues which had arisen. He would like to do so with Cllr Carrigan who has agreed to attend the meeting. It is the case that a letter has been received from Michelmores solicitors regarding the non-payment of the SLA. The Town Clerk has already responded to that letter, but it is now essential that a meeting take place to try and resolve the issues between the two parties.

The following points were discussed:

- The dispute had been going on for over 1 year and it was time to resolve it. However, if the Beehive had provided the information requested sooner time would have been saved.
- The money that the Council pays is public money.
- There are queries surrounding the subsidiary company, the financial data provided, and cleaning costs.
- Communication is essential to resolve the matter.
- The internal auditor has recommended that two council members should be proposed to go onto the board of HCC.
- Members queried how those Councillors would be able to act in the best interests of the charity which is a condition of being on the board if the Charity and the Council are still in dispute?
- The Councillors on the Board would not have to vote but could abstain?
- It is important to check past payments but also need to set out how the information should be presented in the future.
- How Directors of the Charity differ from members of the Beehive.
- Previous advice from NALC was that there was a conflict of interest between being a Director of the Charity and a Councillor. Can this be clarified again with NALC?
- By law, trustees of a Charity must put the Charity's interests first. However, arguably the interests of the Charity and those of the Town Council are the same in that the Charity must be financially viable.

Members **RESOLVED** unanimously to extend the meeting for a further 30 minutes.

Proposed by Cllr Kolek and seconded by Cllr Jones.

Members **RESOLVED** to propose two members as Directors of the Beehive Charity.

4 Councillors were put forward as follows

Cllr Taylor, Cllr Jones, Cllr Sheridan-Shaw and Cllr Jefferson.

Following a secret ballot, Cllrs Taylor and Sheridan-Shaw were nominated by the Council as the two Council members of the Beehive Charity.

18/691 Baileys Partnership

The report was received and noted. The Town Clerk thanked Cllr Zarczynski for his assistance in the matter.

Cllr Coombs raised a query regarding a payment to Midas Construction. Cllr Zarczynski advised that the query had been raised with Midas, but no answer had been provided. Whilst it was the case that this invoice had been paid without any supporting details, the Town Clerk confirmed that in relation to the claim overall the amount was small and that

clearly no information would now be forthcoming from the Bailey Partnership. It was queried whether the temporary RFO at the time of the payment could be asked to clarify the payment but as he is no longer a member of the Council, it was thought not possible.

Members **RESOLVED** unanimously to proceed with option 2 in the report namely to issue a firm legal letter to the Baily Partnership in the first instance with a view to exploring Option 1 (an offer) or Option 5 (Arbitration) as appropriate, depending on the response received from the Bailey Partnership.

Proposed by Cllr Taylor and seconded by Cllr Darrant.

18/692 To close the meeting

The meeting was closed at 9.20 pm.