

HONITON TOWN COUNCIL

Minutes of the Meeting of the Town Council held at the Town Council Offices, The Beehive, Dowell Street, Honiton on Monday 18th March 2019 at 7.00pm

Present

St Michael's Ward

Cllr Philip Carrigan
Cllr Jill McNally
Cllr John Taylor
Cllr John Zarczynski
Cllr S Edwards
Cllr N Macve

St Paul's Ward

Cllr Henry Brown (Chairman)
Cllr Duncan Sheridan-Shaw
Cllr Caroline Kolek
Cllr Roy Coombs
Cllr Mike Jones
Cllr V Howard
Cllr D Jefferson

In attendance

Mark Tredwin, Honiton Town Clerk
Heloise Marlow, Deputy Town Clerk
Tony McCollum – Town Development Manager
6 members of the public
1 member of the press
Cllr P Twiss DCC/EDDC
Cllr J Brown EDDC

PART A

19/799 The Chairman welcomed Councillors and members of the public.

19/800 To receive apologies for absence

Cllr T Darrant (personal reasons)
Cllr R Hanratty (personal reasons)

19/801 To receive declarations of interest and receipt of requests for new DPI dispensations on items on the agenda

Cllr Edwards – Member of the Honiton Community Complex charity.
Cllr Howard – Item 22 - Acquainted with the landowner.

19/802 To note the grant of dispensations made by the Town Clerk in relation to the business of this meeting.

None were made.

19/803 Public question time on items on the agenda

Ms J O'Donoghue gave a vote of thanks on behalf of Honiton Youth club. She thanked Dan Lavery, those running the Community Use Building and Honiton Town Council for all their help. She also wanted to thank Cllr Kolek who was the Mayor at the time and all Honiton's Mayors, Cllr Zarczynski and Cllr Brown who have always supported Honiton Youth Club morally, physically and financially. She also thanked the past Chairs Dan Lavery, Cllr Brown and Luke Harvey-Ingram. She also thanked the Town

Clerks, Chetna Jones and Mark Tredwin and confirmed that she would be sending a formal vote of thanks to the local paper.

Mr John Burgess had the following questions regarding item 8D – Report from Councillor Sheridan-Shaw on Honiton Community Complex Board Meeting:

Mr Burgess advised firstly that he was no longer a director of Honiton Community Complex.

In 2012 Honiton Town Council agreed to provide £20,000 towards the running costs of the Beehive in addition to the £7,000 car park revenue. Cllrs Zarczynski and Taylor both voted in favour. In 2015, 5 current Cllrs opposed granting a lease to HCC – Cllrs Howard, Coombs, Brown, Zarczynski and Taylor with Cllr McNally making her views known although she was not a Councillor at the time.

The question was whether these Councillors still oppose HCC having a lease for the Beehive?

In August 2017 at an Away Day the Council identified their lack of control over the building as a weakness. Since then the Council has been disputing the lease and is introducing car parking charges. These are financial pressures from the Council on the Beehive.

Is it the purpose of this Council to address the weakness by taking back control of the Beehive?

Recently in the Paper for Honiton, Cllr Zarczynski has stated that the Council has been treated like an open chequebook by HCC since 2015. HCC has invested £100,000 in equipping the building. The volunteers provide a service which cannot be measured, and the current staff are not paid market rates. In the 2017 the Beehive received an award for Community Centre of the Year and the Council did not even thank the staff for this.

Will Cllr Zarczynski either withdraw the comment he made to the paper or apologise?

Cllr Brown responded as follows:

He confirmed that he had no desire for the lease to come back and the Council's decisions were not taken with an intention to get the lease back. Any previous agreements entered into before the lease was signed are no longer binding.

Cllr Taylor responded as follows:

The building is owned by Honiton Town Council. The monies invested were raised by The Friends of the Beehive. There was much protest in the town regarding the agreement to give the Beehive £20,000 per year in exchange for the use of 3 rooms to a company who only paid £1 in rent. As a result, it was decided to split the building into 2 and enter into a lease with the Charity set up 2 years later. The lease overrides any

preceding agreement. The Charity signed the lease having had legal advice. He denied that the Council was putting any financial pressure on the Beehive. The Council is doing what is legal under the lease and is querying past and future billing by HCC. This is only proper as this is taxpayer's money.

Cllr McNally responded as follows:

She confirmed that she had been against building the Beehive but now that it had been built, she has consistently stated that she believes it to be an important asset which should be cherished.

Cllr Zarczynski responded as follows:

The quote in the paper related to the payment of invoices by the Council. Under the lease HCC has a duty to provide invoices to HTC of which the Council pays 10%. HCC need to provide HTC with invoices for validation which was not done in 2015. Validation ensures that the Council does not pay for items which are not due. The Council has had the lease assessed by Foot Anstey solicitors who have provided advice. The Council has complied with the terms of the lease. Any previous agreement is now void. The Charity is a private limited company. He has nothing to apologise for and confirmed that he does not want the lease back. However, he does have a duty to taxpayers to ensure that their money is properly spent.

Cllr Coombs responded as follows:

He was against building the Beehive and once built was of the view that it should be run in house by a Council company under the General Power of Competence which would allow a modest return to be made. Once HCC became a charity, there could be no return. He did have concerns about the lease as there was no open tendering and believes it to be unfair that he cannot discuss the legal issues openly. However, he believes the building to be an asset for Honiton.

Cllr Howard had no comment to make.

Cllr Kolek commented as follows:

Four years ago, a year after she was co-opted onto the Council there was an away day in January or February 2015 where she was astounded to see Cllrs swearing, shouting and walking out in tears. It was frankly a shambles and an embarrassment and following this Away Day many good councillors chose not to stand again. Four years later the Council is in the same position and the people of Honiton are fed up. It is now time to draw a line under the saga and rather than argue who is right and who is wrong, move forward.

Cllr Zarczynski responded by saying that he disagreed that the people of Honiton are fed up and that the Council should move on. The Council has a responsibility to tax payers to ensure that there is no overspend. It is the easy option to walk away and this Council is finally addressing financial issues which should have been addressed before.

19/804 The Mayor's announcements.

These would be emailed to the office.

19/805 To confirm the accuracy of the minutes of the Full Council meeting held on 14th January 2019.

Copies of the minutes of the meetings had been circulated in advance with the Agenda.

Members **RESOLVED** unanimously to confirm the accuracy of the minutes of the Full Council meeting held on 14th January 2019.

Proposed by Cllr Sheridan Shaw and seconded by Cllr Jones.

19/806 Reports from District and County Councillors

Cllr Twiss provided the following report:

Highways

Following the passing of the DDC budget I have now met with DCC Neighbourhood Highways Officer Mike Brown to discuss the specifics of what the Division priorities are in terms of repairing and maintaining Highways in the Feniton & Honiton Division, where we have an additional £61,000 from central government that had not been forecast and this will help, but is not factored in to the list attached to this report.

DCC Budget

A legally required balanced budget was passed by DCC at a very long meeting on the 21st of February 2019 where full details can be downloaded at <https://democracy.devon.gov.uk/documents/s24092/Devon%20County%20Council%20Budget%20Book%2020192020.pdf> or viewed as an attachment to this report.

For 2019/20, for an average band D property, the Council Tax charge from DCC will be £1,384.29 (£1,331.19 in 2018/19). This is an increase of 3.99% or £53.10. However, in 2019/20 government funding (core funding) for the County Council will reduce by £13.5 million from £115 million in 2018/19 to £101.5 million in 2019/20.

Your Council Tax is collected by EDDC and distributed across a number of local public authorities:

- Devon County Council uses Council Tax to provide education, roads, care for older people and people with disabilities, child protection, youth services, libraries and recycling centres and waste disposal.
- EDDC uses Council Tax to provide refuse collection, kerbside recycling, housing, planning, street cleaning and leisure.
- [Devon & Cornwall Police Authority](#) uses Council Tax to provide law and order and crime reduction.

- [Devon & Somerset Fire and Rescue Authority](#) uses Council Tax to provide fire prevention and fire and rescue services.
- Gittisham PC uses Council Tax to provide local amenities.

Council Tax bands are decided by the listing officer from the Valuation Office and is based on the open market value of a property on 1 April 1991. All properties are placed into one of eight bands and the band for your home will be shown on your bill. In some cases, a Council Tax bill is decided on the number of adults living in the household.

Devon County Council charge (of the total bill you receive that adds Parish, District, Fire Authority and Police) for each band

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
£922.86	£1,076.67	£1,230.48	£1,384.29	£1,691.91	£1,999.53	£2,307.15	£2,768.58

The total amount you will pay includes taxes payable to the Police and Crime Commissioner for Devon and Cornwall, Devon and Somerset Fire and Rescue Authority, EDDC and Honiton Town Council.

Even with a balanced budget this can be easily and adversely affected by unpredicted demand on children's services, adult services and social care demands, which are ever increasing with limited resources.

DCC Feniton & Honiton Division Highways priorities and additions to programme
2019/20, plus pothole action fund addition

I detail below programmed DCC Highways activity for the 2019/20 financial year in the Feniton & Honiton DCC County Division. The additional 'pothole action fund' of around £61,000 that we are likely to gain has yet to be formally assigned to Feniton & Honiton; it will be added as we learn the final figure from central government and DCC has the money in the Bank! The amount is likely to be significantly higher than many Divisions in Devon purely on a priority and need basis that has been argued in favour of the Division during the budget setting process.

Clearly in the Feniton & Honiton Division there is a disparity between parishes, with Feniton doing very well in 2019/20, but again this is based on priority and need within the budget available where I expect the annual cycle to smooth this out in future financial years.

Buckerell

Outside Yew Tree Cottage – Jetting and CCTV survey
Survey and price re onward drainage system towards Buckerell Church
Secure gully grating towards Deer Park

Feniton

E. side, Larkbeare Service, Talewater, Reconstruct sunken gully and jet outlet
 Station Road, school hump, Clean gullies and small connecting pipe
 Barton Rise & Broad Rd, (opposite), Pipe inlet blocked, Clean ditch and check pipe
 cleaned by NHO, but pipe may still need jetting
 Broad Park, Jet cross pipe if flooding has persisted

Micro asphalt road surface treatment Westminster, Exeter, Canterbury, Warwick, &
 Bath Close, Salisbury, Coventry & Wells Avenue (including disabled bays to 78-96 and
 46, kerb sunk decompression o/s 1 Coventry close requires action) and York Crescent
 with associated works pre work including extensive weeding, patching and low kerbs

Gittisham

Hayne Lane, pre patching preventative patching works
 Tommy Wax Hill, pre patching preventative patching works
 Old A30 west of Iron Bridge, Jet surcharging offset gully on gritting route 311468
 098656 south side

Honiton

New Street, pre patching preventative patching works
 Part of south side High Street, re-lay existing Slab/Flag (PT discuss with HTC re open
 gully and surface)

Capital drainage schemes

South side E from St Margaret's, Replace 2 no stuck gully gratings
 Layzells & Kingdom Hall, Dowell Street, Alterations to kerbs, footway and channel.
 Replace DYL's
 44 High Street, Replace stuck gully grating with new, clean gully and outlet
 6 Pine Grove, Raise kerbs and footway (due to imbalance in surface layer build up).
 Carriageway patch

Jetting/drain cleaning

North side of High Street, Jet & CCTV gully run down from Costa Coffee
 Langford Lane, Jet gully system if not already dealt with as safety defect (flooding)
 Streamers Meadows and o/s 43 Jerrard Close, clean gully connections
 12 King Street, Jet and CCTV gully outlet
 Junction Queen Street/New Street, Blocked gully (co-ordinate with patching works)
 O/S 1 St Margaret's, Blocked gully on primary salting route
 Parsonage Lane, near The Old Rectory, Jet blocked culvert

Footway slurry seal

Mount Close
 Northcote Lane
 St Cyres Road, including Phillips Square

Cllr Phil Twiss
18th March 2019

The following report was received from Cllr Jenny Brown:

Currently working with the organisers of Honiton Culture Week and Gate to Plate 2. Has agreed with the railway that banners will be put along the East Devon line for 2 months to encourage footfall to Honiton.

Mark Tredwin, the Town Clerk asked if this could include the Cape to Cape event and agreed to email Cllr Brown the details.

Cllrs Twiss and Brown then left the meeting at 7.45pm.

19/807 Reports from the Police (recorded crimes and logs)

Members noted the report and the December, January and February figures.

Cllr McNally handed a question to the Clerk for forwarding to the police.

19/808 Reports from Councillors with Special Responsibilities

8A – Report from Councillor Edwards on the NALC Conference

Cllr Taylor pointed out that the under the current code of Conduct, Councillors could not be suspended. The new Code of Conduct would need legislation and in his view this might take some time due to other priorities.

Members noted the report.

8B Report from Councillor Edwards on DALC Larger Councils Sub-Committee

Cllr Edwards confirmed that Mr B Hensley from Highways at Devon County Council would be willing to attend a Council meeting.

Members noted the report

8C Report from Councillor Jones on Open Arms East Devon

Members noted the report.

8D Report from Councillor Sheridan-Shaw on Honiton Community Complex Board Meeting.

Cllr Zarczynski wished to thank Cllr Sheridan-Shaw for a very good report.

Signed Chair

8th April 2019

Cllr McNally asked if Cllr Sheridan-Shaw had received a response to his email, to which Cllr Sheridan-Shaw replied that he had not.

The Town Clerk advised that he had been contacted by one of the Directors of the Beehive.

19/809 Update Report

The Town Clerk presented the report which was noted. He advised that he had reviewed the independent expert report, and this was very positive in respect of the evidence. The proposed Premises and Finance sub-committee was now likely to take place on Monday 25th March. This will be a closed meeting and the agenda will be sent out tomorrow.

Cllr Zarczynski was of the view that all Councillors should attend the meeting. The Town Clerk confirmed that all Councillors could attend but only those on the Committee would be able to vote.

PART A MATTERS FOR DECISION

19/810 To receive the minutes of the Planning Committee meetings held on 5th February and 26th February 2019.

Members **RESOLVED** unanimously to approve the minutes.

Proposed by Cllr Macve and seconded by Cllr Zarczynski.

19/811 To receive the minutes of the Finance Committee meeting held on the 25th February 2019.

Members **RESOLVED** unanimously to approve the minutes.

Proposed by Cllr Kolek and seconded by Cllr Howard.

Members **RESOLVED** unanimously to accept the reconciled accounts for the 3rd quarter of the year 2018-19.

Proposed by Cllr McNally and seconded by Cllr Carrigan.

Reports

19/812 Payments and receipts report

The Town Clerk presented his report which was noted.

Members **RESOLVED** unanimously to approve the attached schedule of payments for January and February 2019.

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

19/813 Internal auditors report

The Town Clerk presented his report and went through the management responses.

Members **RESOLVED** by 12 for with 1 against to note the internal auditor's report and to agree the management responses.

Proposed by Cllr Carrigan and seconded by Cllr McNally.

Members **RESOLVED** by 11 for with 2 abstentions to approve the amended minutes for the meeting of the Full Council held on the 26th June 2018 to include the paragraph *"Each of the individual statements was discussed and then resolved by Members. Members agreed to resolve as a whole approval of the AGAR"*.

Proposed by Cllr Jefferson and seconded by Cllr McNally.

19/814 Risk assessment report

The Town Clerk presented his report. A big element of the report was setting out the Clerk's statement of internal control. As the Council's Responsible Financial Officer, the Clerk had grave concerns regarding the risk register. The Clerk apologised for not dealing with this by September 2018 as had been planned but this was not possible due to the issues which are addressed in the report. The Clerk is aware that there is a need to update the risk management register and is concerned that the Council is at risk over an issue out of its control. That issue could lead to legal costs of £50,000 being incurred with the Council's tenant incurring a similar legal bill of £50,000. However, the tenant is pressing forward with no due regard for the financial consequences. There is a reputational risk also. The Clerk has worked with the solicitors to try and avoid incurring legal fees in relation to the SLA dispute but it would appear that this has not been replicated on the other side. As such the Council needs to allocate sufficient funds to cover the possible legal fees which could be £50,000 or more. The Clerk confirmed that he was unhappy as should be the Council and is concerned that the risks set out by Cllr Sheridan-Shaw has not been appreciated by the other Directors.

Resolution a) is imperative and resolution b) is needed. The Clerk will endeavour to achieve resolution c).

Cllr Brown queried the amount the Clerk believed should be vired over under Resolution a).

The Clerk responded by advising an amount of between £40,000 and £50,000.

Cllr Zarczynski advised that the Council had worked over the last year to resolve the matter and had acted fairly throughout. The Council is being forced into legal action which is unnecessary. His concern was that in addition to the Council's legal costs there

is an additional risk to the Council if the other party loses as they are a limited company and could therefore fold and walk away and the Council would not obtain payment of their costs. This would be unacceptable, and the Council has a duty to protect ratepayers money. He would suggest an application for security for costs which would enable steps to be taken if the Council were successful.

Cllr Taylor advised that proceeding would be on condition that the legal advice received was in favour of pursuing the dispute. Otherwise the Proper Officer and Responsible Financial Officer would be at risk regarding any failure to protect the payments made by the Council and Councillors could be liable individually.

Cllr McNally had concerns regarding proposition a) but agreed that the current risk assessment needed reviewing.

Cllr Jones queried whether the Council should wait until nearer the time before viring any monies over due to the substantial sums involved.

The Clerk confirmed that the solicitors had advised that costs could be £50,000 – if the costs proved to be less the balance would be returned to General Reserves, but the monies should be allocated in the first instance. He is unable to make a payment unless a budget heading allows it which is why the monies need to be vired over now.

- a) Members **RESOLVED** unanimously to vire across £50,000 from general reserves into legal fees in preparation for any future costs arising from legal disputes.

Proposed by Cllr Taylor and seconded by Cllr Zarczynski

- b) Members **RESOLVED** unanimously that the current risk assessment requires reviewing.

Proposed by Cllr McNally and seconded by Cllr Kolek.

- c) Members **RESOLVED** unanimously to instruct officers to update the risk management register and then endeavour to bring the result to a Full Council meeting by September 2019.

Proposed by Cllr McNally and seconded by Cllr Zarczynski.

19/815 Photocopier report

Members noted the report and **RESOLVED** unanimously to authorise officers to replace the existing printer and photocopier facilities with a more economical alternative.

Proposed by Cllr Taylor and Seconded by Cllr Zarczynski.

19/816 Market report

The Town Clerk presented the report.

Cllr McNally queried the need for a registration fee for regular traders. The Town Development Manager explained that this differentiates regular traders from casual traders and provides them with benefits such as reduced rates and guaranteed pitches. It is also an incentive to attend.

Cllr Taylor noted that the charges had not increased since 2013 and whether a weather forecast should be on the Council's website. The Town Development Manager advised that this would not bring traders in as often the forecasts are wrong.

Cllr Jones queried the loss the market had made over recent months and the Town Development Manager confirmed that this was one of the reasons for introducing new winter rates.

Members **RESOLVED** unanimously to approve the charges for the market stalls for the financial year 2019-2020 as follows:

Regular Traders

Standard Pitch 12ft x 8ft	£12.00 per day
Winter Rate	£6-00 per day
Registration Fee per Pitch	£6.00 per year
Vehicle Parking	£2.00 per day

Casual Traders

Standard Pitch 12ft x 8ft	£16.00 per day
Winter rate	£8.00 per day

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

19/817 Community Use Building report

The Town Clerk presented his report. Members were supportive of the proposed bid by Honiton Community Spaces and to provide them with copies of the reports which had been commissioned. The structural survey had been received with the asbestos survey still awaited. The point was made however that the Group would not be able to rely of these reports from a legal perspective.

Members **RESOLVED** unanimously to notify DCC that they would like to thank them for the offer to sell HTC the Community Use Building but that at the present time HTC would prefer not to take them up on the offer.

Proposed by Cllr Brown and seconded by Cllr Zarczynski.

19/818 Community and Tourism Kiosk

The Town Clerk presented his report. The following points were discussed:

- The proposed costs involved.
- The recommendation was merely to allow officers to look into the proposal.

Members **RESOLVED** unanimously that Officers investigate setting up a kiosk in the Town Centre where Community Groups, Charities and other organisations can promote themselves, whilst also providing a mini Tourist Information Point for Honiton.

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

19/819 Town twinning visit by Gronau to Honiton

The Town Clerk presented his report.

Cllr Zarczynski advised that he had not appreciated the importance of the twinning association until he visited Gronau last year. The hosts were marvellous, and this is their return visit. The town would not wish to embarrass itself by not meeting the same standard of welcome. We even have a Gronau flag that could be hoisted up the Council flagpole.

Cllr Howard reminded members that previously the Association would receive an annual grant from the Council. The next meeting of the Twinning Association would take place at the Beehive on 11th April at 7.30pm.

Members **RESOLVED** unanimously to provide the sum of £650 to the Twinning Association to support the visit by dignitaries and residents from Gronau.

Proposed by Cllr Zarczynski and seconded by Cllr Kolek.

19/820 Part B items

It was proposed to take items 20, 21 and 22 into Part B of the meeting that deals with exempt business. This was **RESOLVED** unanimously.

Proposed by Cllr Jones and seconded by Cllr Macve.

The meeting went into confidential session at 8.35 p.m.

PART B

19/821 Update on the Lease and SLA dispute with Honiton Community Complex

Members agreed that in order for Cllr Edwards to discuss other exempt business item **19/821** would be discussed as the final item on the Agenda.

19/822 Land proposal report for Glenview

The Town Clerk presented his report.

Discussion of the item then followed.

Members **RESOLVED** unanimously to authorise officers to write to the owners thanking them but informing them that the council is not currently interested in purchasing the land at present.

Proposed by Cllr Kolek and seconded by Cllr Jones.

19/823 To consider land that has been offered for sale to the Town Council

The Town Clerk presented his report.

Discussion of the item then followed.

It was then proposed by Cllr Taylor and seconded by Cllr Carrigan to extend the meeting by 30 minutes to allow the item to be further discussed after 9pm.

This was **RESOLVED** unanimously

Members **RESOLVED** unanimously to thank the owner for the offer of the land but that currently the Council were not in a position to accept.

Proposed by Cllr Kolek and seconded by Cllr Sheridan Shaw.

Cllr Edwards left the meeting at 9.05pm

19/824 Update on the Lease and SLA dispute with Honiton Community Complex

The Town Clerk presented his report.

Discussion of the item then followed.

Members **RESOLVED** unanimously to authorise the Town Clerk to instruct solicitors at Foot Anstey to obtain quotes for legal Counsel and continue with taking steps to provide instruction in readiness for arbitration proceedings.

Proposed by Cllr Zarczynski and seconded by Cllr Sheridan-Shaw

Members **RESOLVED** unanimously for the Town Clerk to instruct Foot Anstey to seek a financial security for costs order from the arbitrator in respect of HCC.

Proposed by Cllr Carrigan and seconded by Cllr McNally

Members **RESOLVED** unanimously to allow officers to continue to seek the advice of Foot Anstey and where appropriate action that advice.

Proposed by Cllr Zarczynski and seconded by Cllr Carrigan

19/825 To close the meeting

The meeting was closed at 9.30 pm.