

HONITON TOWN COUNCIL

Minutes of the Meeting of the Town Council held via Zoom on Monday 9th November 2020 at 7.00 pm

Present

St Michael's Ward

Cllr J Taylor
Cllr J Zarczynski (Chairman)
Cllr J McNally
Cllr L Dolby

St Paul's Ward

Cllr R Coombs
Cllr C Gilson
Cllr P Carrigan

In attendance

Heloise Marlow, Deputy Town Clerk
20+ Members of the public
Cllr P Twiss DCC/EDDC

PART A

20/73 The Chairman welcomed Councillors and members of the public who were attending via ZOOM and confirmed that the meeting would be recorded.

20/74 To receive apologies for absence

None were received

20/75 To receive declarations of interest and receipt of requests for new DPI dispensations on items on the agenda

None received.

20/76 To note the grant of dispensations made by the Town Clerk in relation to the business of this meeting.

None were made.

20/77 To confirm the accuracy of the minutes of the Full Council Meeting held on the 12th October 2020.

Members **RESOLVED** unanimously to take this item prior to item 6 Public Questions.

Proposed by Cllr Zarczynski and seconded by Cllr Carrigan.

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

20/78 Public question time on items on the agenda

Cllr Zarczynski confirmed that several questions had been received in relation to the Honiton Town Council Facebook page. He had discussed this with the Deputy Clerk and it had been agreed that in view of the number of questions received and the nature of the questions, that the matter would be an agenda item at the next Full Council meeting. As such Cllr Zarczynski would not be taking these public questions at tonight's meeting. This will allow members of the public to submit further questions if they so wish and will allow the matter to be fully debated.

Mr Middleton asked the following question:

Can you explain to me, why HTC is considering moving the HCC item from part A, to part B? As I feel the people of Honiton have a right to know what's being decided, in their name and also the HCC items have been discussed at previous council meetings. (HCC Item 14 on 12/10/20 & item 9 on 14/09/20).

The Deputy Clerk confirmed that she had received a very similar question from Mr and Mrs Jackson, which she read out in their absence.

It has been recommended by the Deputy Clerk that the agenda item with regards to HCC should be moved to Part B.

Can you please explain the reasons behind this? Along with the legal advice sought.

If it is because someone trolled the last meeting, do you feel it's appropriate to punish the public as a whole because the Chair couldn't control the meeting?

It seems Part B is heavily abused by the council and is now becoming undemocratic.

The council works on behalf of the people of Honiton, but it seems to work to its own agenda and rules which is an abuse of its elected power.

Cllr Zarczynski advised that Part B was used to discuss contractual matters or legal matters which cannot be discussed in public. Members follow the advice provided by either legal advisers, NALC or DALC or officers in this respect. He discussed the recommendation from the Deputy Clerk that the item regarding HCC be taken in Part B and confirmed that he would be following that advice.

The Deputy Clerk confirmed that the item relating to HCC was currently in Part A but that she was recommending that the item be discussed in Part B although this will be for Members to decide. The reason she had recommended that the item be taken into Part B was because Members needed to discuss the contractual relationship between HTC and HCC and what proposals they wished to put to HCC in relation to that contractual relationship. Those discussions are confidential although any agreement subsequently reached will be publicised. Any resolution made by Members will be publicised also.

The Deputy Clerk confirmed that a question had been received from Mr S Kolek who was listed as attending the meeting. However, the Deputy Clerk was unable to obtain a response via Zoom and therefore read the following question on Mr Kolek's behalf which was addressed to Cllr Carrigan.

"Question for the Cllr Carrigan Chair of Finance only, to answer-Answer to be given verbally to the Public (as this question was submitted before 1200 on 09.11.20) and based on his last "reply in writing" taking over 2 weeks. This question is Against Agenda item 8.Receipts & Payments.

The Chair of Council has claimed many times that he has a mandate for transparency of public finances

We are now in the 2nd lockdown for COVID 19. What financial help has HTC given to local voluntary help groups, clubs, charities or businesses through the period Aug to Nov 20 to support and help them during these difficult times?

During this same period Aug to Nov20 how much has HTC spent or is committed to spend on all the External costs associated with disputes with External parties or with HTC staff - costs for litigation, External HR facilities etc.?

Cllr Carrigan confirmed that he would respond to the question in writing.

Mr David Perkins asked the following question:

1 Mr.Mayor at the council meeting on 28th September 2020 you confirmed that my Beehive Construction Report had been submitted to Foot Anstey the council's lawyers, as part of the evidence in support of initiating a legal claim against Baileys. Foot Anstey have subsequently confirmed that they were never given this report. Would you now like to confirm that this report was withheld from them?

Cllr Zarczynski advised that he was aware that Foot Anstey had advised that they had not seen Mr Perkins' report. However, this was incorrect as he had provided them with the office copy of the report when he attended the meeting at their offices. He could not therefore explain why Foot Anstey were claiming that they had not seen the report.

Mr Perkins advised that the previous Town Clerk, who recently resigned, had advised him that he attended that meeting with Foot Anstey and that the report in question was not provided to Foot Anstey as claimed.

Cllr Zarczynski maintained that the report was provided to Foot Anstey and stated that the previous Town Clerk has made numerous statements recently which are disputed.

Mr Perkins asked the following question:

2 Mr.Mayor could you provide me with the date of the council meeting that my evidence based Beehive Construction Report was discussed by council. You will recall this report was given to all

councillors on 28th July 2017 and all subsequent councillors when appointed and was highly critical of the council's oversight of this project.

If the report was never discussed at a council meeting can you explain why this evidence was not considered before you embarked on the legal claim against Baileys which has cost the local taxpayer at least £60,000 ?

Cllr Zarczynski advised that he did not believe the report was discussed at Full Council although it was discussed by the Premises and Finance Committee, of which Mr Perkins was a member until he was removed from the Committee by a vote of no confidence when Council discovered that he was having unauthorised discussions with Bailey Partnership.

Mr Perkins was not mandated by the Council to write such a report nor was he mandated by Council to enter into discussions with Bailey Partnership.

Mr Perkins responded by saying that at the time he was the temporary Responsible Finance Officer and as such he was entitled to arrange meetings with both Bailey Partnership and Midas to try and reach a compromise on outstanding fees. The meeting which was held was with the Deputy Town Clerk at that time and was prefaced by confirming to Bailey Partnership and Midas that they could only make recommendations to Council and could not agree anything at the meeting which is what happened. At the meeting they came away with a compromise proposal whereby instead of paying Midas £30,000.00, HTC would pay £15,000.00 and instead of paying Bailey Partnership £17,000.00, HTC would pay £5,000. These recommendations went to Full Council. The proposal relating to Midas was accepted by Full Council but the proposal relating to Bailey Partnership was rejected on advice received by Cllr Zarczynski.

Cllr Zarczynski maintained that Mr Perkins was appointed temporary RFO with a limited mandate to prepare the Council's accounts for the external auditor. He did not have a mandate to have meetings with Midas and Bailey Partnership. Any proposed meetings should have been discussed in advance with the Premises and Finance Committee. Full Council agreed to make the payment to Midas as their fees were overdue, and Council had been advised by Bailey Partnership that if they authorised payment the Council were legally bound to make that payment and then Bailey Partnership would claim any overspend back on behalf of the Council at the end of the project. As such the overspend issue was not with Midas as Midas only did work which was authorised by Bailey Partnership. Had the Council paid Bailey Partnership the monies proposed, then HTC would not have been able to pursue Bailey Partnership for the overspend.

Mr Perkins responded by saying that ultimately the Council could have settled the matter with Bailey Partnership at a cost of £5,000 but instead pursued a claim which has cost HTC £60,000.00. He also disputed that as temporary RFO the Council could limit his responsibilities to the Council. An RFO has statutory duties which cannot be limited by the Council.

Cllr Zarczynski referred Mr Perkins to the internal auditor's report for the year ending 31st March 2014 in which the internal auditor recommended that the Council pursue the overspend from the project management team. He actioned this advice just before the 2015 election by having a meeting with Bailey Partnership when they agreed that they would go to Midas to sort out the unauthorised payments. However, Cllr Zarczynski was not re-elected at the 2015 election and thereafter the matter was not pursued. Once he re-joined the Council in 2017, he resumed the claim. All action then taken by Council was based on reports produced by the former Town Clerk following meetings with Bailey Partnership and himself, and further to legal advice received.

20/79 Reports from District and County Councillors

Cllr Twiss provided the following report:

DCC Social care

As we go in to winter and a second COVID-19 lockdown DCC Social care teams have been planning and preparing for dealing with the fallout of the second wave, armed with a lot more knowledge and understanding than in the spring of 2020 and the first lockdown, with a focus on vulnerable people and unpaid carers

Designated Care Home

This Department of Health and Social Care has written to all local authorities setting out requirements to designate care settings for COVID-19 positive people who are not quite well enough to return straight home from an acute hospital. These settings will be inspected by the CQC for assurance of infection control measures. Whilst the settings could be existing care homes, the beds would need to be on separate wings or floors in order to avoid the risk of infecting other residents, and would require a separate staff group to support these residents.

No care home will be required to accept someone with a positive test result, and we are in the process of agreeing with local NHS providers how we can ensure we have suitable accommodation available to meet this need.

Supporting carers

Unpaid carers across Devon do an incredible amount work and this has only increased during the COVID-19 period, with recent research suggesting that nearly two-thirds of unpaid carers have not been able to take any breaks at all in the last six months. In response to this, alongside NHS Devon CCG we have made [grants of between £1,000 and £15,000 available](#) to care providers, personal assistants, and carers themselves who can develop and provide innovative opportunities that will give other carers a break, during COVID-19. See <https://www.devonnewscentre.info/new-funds-available-to-help-carers-take-a-break/> for how to apply

Waste and recycling

*The regulations and guidance for the second lockdown have been tweaked a little to widen what is and isn't classified as being to open and operate. I have received enquiries from members of the public about the Household Waste Recycling Centres (HWRC's), where I can reassure you that DCC sites will **not** be closing.. There may be occasions where there are staff shortages and some temporary closure may be necessary but DCC will put out media communications about any situation that arises due to staff sickness/isolation*

COVID-19 funding for individuals, organisations and business

DCC Devon County Council allocated £192,100 from Government grants and an additional DEFRA one using EDDC to set up a hardship fund (with qualifying criteria) and process applications during the COVID-19 crisis. This fund is still very much open for business and applications and further details can be found at <https://eastdevon.gov.uk/coronavirus-covid-19/benefits-and-council-tax/financial-hardship-fund-information>

Community use Building

I have been lobbying for some time with senior colleagues and Officers at DCC to transfer the ownership of the Community use building (i.e. the former Youth centre) to Honiton Community Spaces Charitable Incorporated Organisation for the nominal sum of £1. Following a 'meeting' I had with John Hart Leader of Devon County Council on the 6th of October 2020 he agreed that this project is a very worthwhile one for Honiton and all the organisations who depend on it being available for their use. He instructed the Assets team at the Council to proceed with the transfer, which has now been completed.

Street lighting in urban and applicable rural settings

Devon County Council has recently announced that all of its 79,000 streetlights will be converted to LED lights within the next two years – reducing carbon emissions by 75%.

It comes as part of a working partnership with SSE Contracting who will be carrying out maintenance of streetlights in Devon and Torbay over the next ten years – with the aim of the contract being carbon neutral by 2030.

The company will be building on the work it has undertaken for the County Council for more than 25 years, which has already seen around 34,000 street lights converted to low energy LED technology since 2015, as well as the replacement of more than 5,400 street lighting columns. It will also look to improve the county's Central Management System to remotely monitor and operate lighting more flexibly

and efficiently and will eventually allow us to cease night scouting saving further costs.

This street lighting contract is extremely important as DCC continues to reduce carbon emissions. Street lights account for a significant amount of the Council's carbon emissions and the conversion to LEDs alone will reduce carbon emissions by more than 15,000 tonnes each year, the equivalent of taking 8,000 cars off the roads of Devon.

Local Flood Risk Management Strategy Newsletter

Please find attached the latest DCC [Local Flood Risk Management Strategy newsletter](#) is now, giving an update to the ongoing work and activities as part of Devon's Local Flood Risk Management Strategy and Lead Local Flood Authority role over the last 6 months.

Lace Walk toilets

Whilst not in my DCC remit as a member of EDDC my mailbox has received significant correspondence about Lace Walk toilets which have been closed during the pandemic.

Following a recent site visit an updated risk assessment has been carried out. The current layout and need for renovation work throughout make it very difficult to re-open the block safely during the pandemic. EDDC has tried to be consistent with its approach across the district, only opening toilets that could enable them to comply with the guidelines set out by government. It is evident that the toilets are in need of major renovation work to bring them up to current standards.

The demand to open Lace Walk toilets is high from local residents, despite King street toilets being a short walk away. EDDC has identified that the disabled toilet could be re-opened safely as a unisex facility and made Covid secure, so we will be re-opening that toilet after the 28th of October with enhanced cleaning, a hand sanitiser dispenser and signage. That combined with King street facilities should give enough provision in the intermediate before the longer-term options are put forward later this winter.

Cllr Zarczynski asked Cllr Twiss to clarify the position regarding the Lace Walk toilets as members of the public had raised this issue with HTC even though HTC are not responsible for the toilets in Lace Walk.

Cllr Twiss confirmed that toilet block in Lace Walk is not suitable to be made COVID safe as it needs a major overhaul. Over the winter EDDC will be looking at all the toilets in East Devon to assess the work required. In the interim EDDC will open up the disabled toilet in Lace Walk as a unisex toilet. It was due to be opened on the

29th October but there has been a delay. Cllr Twiss will make enquiries as to when this will occur.

Cllr Zarczynski asked Cllr Twiss to confirm the date on which the decision to open up the disabled toilet was made. Cllr Twiss advised that decision was made by the Street scene Deputy Operations Manager Tom Wood on the 23rd October 2020.

Cllr Taylor asked Cllr Twiss to confirm that the Lace Walk toilets were not closed due to vandalism. Cllr Twiss confirmed that the toilets were closed due to safety concerns relating to COVID 19.

20/80 Reports from Members with Special Responsibilities

Cllr Zarczynski explained that this item was being re-introduced to address the criticism received from members of the public that HTC was not keeping the public informed of what it was doing.

He invited Cllrs to provide a short verbal report to confirm actions undertaken:

Cllr Taylor confirmed that he had been working on the market which was opening for food stalls and plant sales only due to the current restrictions. He was also taking part in the footpath inspections.

Cllr Dolby confirmed that he was administrating the HTC Facebook page. He was aware of the questions which had been raised regarding the page which he would address at the next Council meeting.

Cllr Coombs confirmed that work had been carried out to deal with the extensive damage caused to HTC's cherry tree in Lower Brand Lane. Later in the month Devon County Council's Rights of Way Committee will be making a decision regarding the Sidmouth Road to Whitmore Way public footpath claim which is one of 8 claims being pursued by HTC. A report will be issued shortly regarding the other 7. Inspections of Wadmore Lane carried out over the last year have identified that it is being flooded to a greater extent than before but the ditching work which is going to take place will hopefully resolve this issue.

Cllr Zarczynski confirmed that he had been chasing Cllr Twiss regarding weeds on roads and would continue to follow this up. He is also working on securing a piece of land opposite Lace Walk with a view to providing a public park and a river walk and is in discussions with EDDC in relation to this.

Cllr Carrigan confirmed that he has been dealing with HTC HR matters and attended Honiton Hospital's League of Friends meeting in the week. Earlier that day, himself, Cllr Zarczynski, Cllr Taylor and Cllr Dolby attended the PAT testing of the Christmas lights, and advised that it was disappointing to note that some of these were not working.

Cllr Zarczynski confirmed that there were about 12 lights which had not been working for about 3-4 years which the Council was unaware of and should have been either

replaced or repaired. This would now be done although not in time for Christmas 2020. He also confirmed that the Council was addressing the current staffing issues at HTC and this was taking up a significant amount of time. HTC were currently advertising for a new Town Clerk which had generated a response.

Cllr McNally advised that she had had to step back from matters which involved physical input due to health issues. However, she is continuing as trustee to two charities. She had recently stepped down from the Local Action Group and from the public footpath inspections. She is the Deputy Chair of the Planning Committee and this does involve considering planning applications submitted. HTC is a consultee for most planning applications but does make the decisions relating to advertisement consents.

Cllr Zarczynski thanked Cllr Gilson for her charity work and for attending the Remembrance Sunday Service with him. Cllr Gilson confirmed that she was also involved in supporting the elderly with food deliveries and support services.

Cllr Zarczynski advised that he had asked the Deputy Clerk to reinstate the list of public correspondence received and for this list to be provided to Members with the agenda for Full Council meetings so that Members could if they wished to do so either address any correspondence before the meeting or discuss it at the meeting.

20/81 Payments and Receipts Report – July, August and September 2020

The Deputy Clerk presented her report and confirmed that having asked Members to contact her in advance of the meeting should they have any queries regarding the payments or receipts made, she had not received any such queries.

Members **RESOLVED** unanimously to approve the payments for July, August and September 2020.

Proposed by Cllr Zarczynski and seconded by Cllr Dolby.

20/82 Members Allowances

Members **RESOLVED** unanimously that officers make arrangements for Members' Allowances to be paid with the November wages.

Proposed by Cllr Zarczynski and seconded by Cllr Carrigan.

20/83 HTC Grants Procedure 2020/21

The Deputy Clerk presented the report. She confirmed that enquiries regarding grants had been received from several groups and therefore Members were being asked to agree the timetable proposed in the report. The timetable proposed provided for a shorter timescale than usual for applications to be received and for Members to consider the applications. However, as the process has been delayed this year and

as Members were already aware of the applications submitted by several groups, the Deputy Clerk suggested that this was appropriate in the circumstances.

Cllr Zarczynski referred to the grant already agreed in respect of the group who were taking over the CUB building in Honiton. Whilst he had not had the opportunity to discuss this with the Deputy Clerk, as yet the grant had not been paid out as the previous Town Clerk had requested additional documentation/information from the group. Cllr Zarczynski has been discussing the grant with the group and had been advised that all documentation/information had now been provided and as such the group was seeking payment of the grant. Members agreed that on the basis the group had now provided the documentation/information required that the grant should be paid out.

Members **RESOLVED** unanimously to approve the grant process for 2020/21.

Proposed by Cllr Taylor and seconded by Cllr Zarczynski.

Members **RESOLVED** unanimously that the grant previously approved for the CUB building be paid.

Proposed by Cllr Zarczynski and seconded by Cllr McNally.

20/84 Honiton Town Sculpture – Lace Walk, Honiton

The Deputy Clerk confirmed that correspondence had now been received in respect of the ongoing maintenance costs but that she had not yet had the opportunity to consider that correspondence. As such whilst Members may wish to agree to the costs specified in the report, Members should defer their discussion in respect of the ongoing maintenance cost contribution to the next Full Council meeting.

Members **RESOLVED** unanimously to contribute the sum of £892.50 plus VAT towards the cost of the works to the housing, and £275 plus VAT towards Rubicon West Plc's professional fees relating to the project management of the works and drafting the specification.

Members **RESOLVED** unanimously to enter into further discussions with Clem Dobson Associates as to their request that Honiton Town Council agree to contributing 50% of all ongoing maintenance costs.

Proposed by Cllr McNally and seconded by Cllr Taylor

20/85 HTC Health and Safety Policy

Cllr Zarczynski advised that EDDC have provided HTC with a copy of their health and safety policy and that he was proposing that HTC adopt the EDDC policy and then amend it accordingly.

The Deputy Clerk advised that she had understood that the Finance and Policy Committee would consider the EDDC health and safety policy and use this as a template to produce a

health and safety policy for HTC. The Finance and Policy Committee would then recommend to Full Council that HTC adopt the new Health and Safety policy.

Cllr Carrigan confirmed that this has also his understanding of the item. The Deputy Clerk advised that she had put the item on the agenda so that Members were made aware that HTC's Finance and Policy Committee would be reviewing HTC's Health and Safety policy. Once the Committee had done so, the new policy would be brought back to Full Council to be approved and adopted.

20/86 Members **RESOLVED** unanimously to take item 13 into Part B

Proposed by Cllr Zarczynski and seconded by Cllr Carrigan

Part B

20/87 Honiton Community Complex

Members discussed the proposed offer to be made to HCC following the meeting on 5th October 2020.

Members **RESOLVED** unanimously to extend the meeting by 15 minutes

Proposed by Cllr McNally and seconded by Cllr Taylor

Members **RESOLVED** by 4 votes in favour with 3 votes against to put forward the following offer to HCC:

- HTC would provide HCC with an annual fixed payment of £10,000.00 to replace the calculation contained in the SLA.
- HTC would provide HCC with an emergency COVID 19 grant for 2020/21 of £15,000.00.
- HCC would need to re-apply annually for further grants as part of the HTC grant process.
- HTC would waive the insurance contribution for 2019/2020.
- HTC to invoice the insurance contribution for 2020/2021.
- The waiving of the 2019/20 insurance contribution was not dependant on HCC accepting the offer regarding the fixed annual payment and the 2020/21 grant.

Proposed by Cllr Carrigan and seconded by Cllr Gilson.

20/88 To close the meeting

The meeting was closed at 10.15pm.