

HONITON TOWN COUNCIL

Minutes of the Town Meeting held on 12th April 2021 via ZOOM commencing at 7.00pm

Present

St Michael's Ward

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

St Paul's Ward

Cllr P Carrigan
Cllr R Coombs
Cllr C Gilson

Also present

32 members of the public
Stephen Hill – Town Clerk
Heloise Marlow – Deputy Town Clerk

20/1 Town Mayor's Welcome

The Mayor welcomed everyone to the meeting.

20/2 Presentation from HTC Chairman

Cllr Zarczynski reported:

20/3 Presentations from HTC Chairmen of Committees:

Green & Open Spaces Committee Report

Cllr Taylor reported:

Finance & Policy Committee Report

Cllr Carrigan reported:

Planning Committee Report

Cllr Coombs reported:

Town Management Committee Report

Cllr Coombs reported:

20/4 Public speaking and Questions:

The Town Clerk invited members of the public attending to put their questions to the Council. He requested that member of the public speaking provide their names and details of any organisation they represent. He also requested that questions be limited to 3 minutes and for members of the public to avoid repetition.

Mr Tom Hedger: Why does the Council do so much of its work under Part B?

Cllr Zarczynski responded: At all times Councillors are guided by officers with regards to what agenda items should be taken into Part B. Members have been

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advised that items relating to HR or contractual matters have to be discussed in Part B.

Mr Tony McCollum: Could the Council confirm that they will now work to ensure that the Beehive, which is a significant asset to the community, is able to thrive and fulfil its full potential in the years ahead?

Cllr Zarczynski responded: HTC has always supported the Beehive. HCC rent the building for £1 per year, the dispute regarding the service level agreement has been resolved, a £15,000 grant has been given to HCC, the car park and walkways have been cleaned and the outside of the building will be repainted as soon as the weather allows. HTC are the landlords of the building and will continue to support the Beehive, which is an asset to Honiton.

Ms Fiona Hanratty: When will the allotments proposed by HTC be available to residents?

Cllr Zarczynski responded: The appointed contractor had commenced work that day Monday 12th April and a press release regarding this would be issued shortly. Members of the public would be kept informed of progress with the works via the HTC Facebook page. The plots should be available later this year.

Mr Joseph Furneaux-Gotch: Having regard to an ex-employee's FOI request from January 2020, repeated in July 2020, which led to a small company being employed by HTC without the experience or capability to set up a query set to interrogate a simple email server and the matter has still not been resolved, is HTC in a position to comply with all the rules and regulations of the FOI Act or not?

Cllr Zarczynski responded: HTC were complying with the rules and regulations of the FOI Act. He disagreed with Mr Furneaux-Gotch's description of the company engaged. The Council needed professional advice, and this is what they have received.

Mr Furneaux-Gotch: The company instructed requested that the applicant narrow down his request. Instead the company should have put together a query set, which would then narrow down the replies to the data required, which would then be redacted if necessary once agreed by Full Council.

Cllr Zarczynski responded: Any request is forwarded to the professional advisors. If the advice received is that it is either impractical or impossible to give all the information requested the Council is then advised as to what part of the request can be answered.

Mr David Munge: Why have EDDC failed to determine the Cattle Market planning application in Silver Street within the prescribed timescale and why has there been a delay in HTC's response to the appeal to the Planning Inspector.

Cllr Coombs responded: If planning applications are not determined within a prescribed timescale, an applicant has the right to appeal the non-determination of their application to the Planning Inspectorate. HTC could not advise as to why

EDDC had not determined the application within the prescribed timescale and that question should be put to EDDC. HTC is only a consultee in respect of the application.

HTC has asked for the cattle market to be added to the list of assets of community value to try and protect the site from development.

The Deputy Clerk confirmed that HTC planning committee had objected to the planning application as part of the consultation process. The appeal notice will be an agenda item for the next planning committee meeting as it had been received after the agenda for the planning meeting on 13th April had been issued. Members of the HTC Planning Committee will then have an opportunity to submit further representations to the Planning Inspector over and above the objections already lodged and within the timescale provided by the Planning Inspector for doing so as the deadline for responding to the planning inspector in relation to the appeal had not yet expired.

Kate Cloke: What ideas do the Council have for revitalising the town centre and can the Council describe what work it is already doing to achieve this?

Cllr Zarczynski: HTC have limited funding and powers but had safely re opened the market to try and stimulate trade in the town and would help shops as much as possible. However, any financial help would have to come from EDDC, Chamber of Commerce and DCC. HTC can lobby EDDC and DCC for action such as re-opening the toilets, and HTC's new website will provide tourist information.

Anna Proszowska: What work is the Council doing to support young people.

Cllr Zarczynski: HTC have a youth budget and recently provided a grant to the CUB user groups. HTC are working on sports and open spaces funding and support grant applications from youth organisations.

Serena Sexton: HTC does not subsidise HCC in the sum of £59,000. This in THE mortgage payment by HTC on a building which they own. HTC and HCC have settled their dispute over the SLA payments, HCC have received generous donations from a local family which stopped HCC from insolvency, the £15,000 COVID grant from HTC will be used to cover the costs to HCC of keeping the building running which allowed HTC to continue using its offices.

As regards the legal action from former employees who claim that they have been bullied, can the Council explain what impact this will have on the Council's finances and whether they intend to defend to what appears to be indefensible given the outcome of the most recent standards and performance hearing?

Cllr Zarczynski: HTC cannot publicly discuss HR matters which were also in the hands of legal advisors.

He was disappointed that Mrs Sexton believes HTC were misleading the public regarding their backing for the Beehive. The subsidy referred to by Cllr Carrigan is nothing to do with the mortgage but relates to the rental value of the building which is

Signed Chairman

approximately £46,000.00 per annum. Instead of renting out the building for such an amount, HTC agreed to provide it to HCC for £1 per annum. HCC which originally was a wholly owned Council company became a charity to enable it to apply for additional grant funding.

Re SLA – difference of opinion between the parties dealt with by seeking advice from the authors of the lease, Foot Anstey solicitors who reviewed the invoices submitted by HCC and who advised HTC that many of the invoices submitted were not valid and recommended an annual payment under the SLA of approximately £7000.00. HTC felt this was insufficient and so increased the offer and an agreement on £10,000 per year has now been reached.

In response Serena Sexton: What rent does HTC pay for the use of their offices

Cllr Zarczynski: no rent was paid now although initially when the building opened it had been agreed that HTC would pay HCC which was owned by the Council, rent in the sum of £20,000.00 pa. with any profits made over and above the running costs of the building reverting back to HTC for the benefit of the residents of Honiton. Public objections were raised to this as HTC were paying rent for a building they owned and so this was replaced by the lease and the SLA. The terms of the lease and the SLA were driven by HCC. HTC pay rates on their offices and contribute to the running costs of the building and HTC has followed professional advice received.

Cllr Taylor: The Beehive was built with the benefit of grants when the UK was part of the EU. As such a valuation of the building had to be done and if HTC subsidised the building for more than €200,000.00 pa then HTC would have to pay a large amount of rent. The district valuer valued the building at £46,000.00 pa which equated to €185,000.00 based on the exchange rate applicable at the time. HTC was allowed to subsidise the building by the amount of the rateable value of £46,000.00 pa.

Mr David Perkins: The Council instructed the Beehive company to become a charity. It was a condition which was imposed on the Council owned company before it was granted its 10 year lease. The lease states that HCC have to contribute to the insurance for the building which is about £3,500 pa. As such the net payment from the Council to HCC per annum will be £6,500. The footfall to the building is approx. 60,000 per year. The Thelma Hulbert Gallery has a footfall of approx. 10,000 per year and receives a grant from EDDC of approx. £125,000 pa. If the Beehive is going to fulfil all of its obligations which the Town Council has imposed on it, via the lease and the SLA, which were drawn up by the Council, then £6,500 pa will not be sufficient. How does HTC feel that based on the £6,500.00 to be paid to HCC pa HCC can fulfil its obligations as set out in the lease and the SLA?

Cllr Zarczynski: HTC did not want HCC to be a charity. When the proposal was submitted for HCC to become a charity, HTC was split between those who wanted HCC to be a charity and those who did not. In the end by a slight majority vote the Council voted in favour of HCC becoming a charity. He also disputed the statement that HTC drew up the lease. The terms of the lease were driven by the directors of HCC and whilst HTC approved the lease, amendments were made to the lease which HTC were not aware of.

The insurance contribution was not part of the SLA. The £10,000.00 pa payment is the new service legal agreement payment and this was more than the authors of the lease had recommended was due to be paid under the SLA. HCC has had the benefit of government assistance during the pandemic. Once HCC is back up and running it should not only be able to cover its costs via grants available but also through income raised. Comparing the Beehive to the Thelma Hulbert Gallery is unfair as EDDC own that building and they have access to greater funding than HTC. HTC is doing all it can within its budget to assist HCC but HCC should not be solely dependent on Council funding. HCC has received much welcomed outside funding from a local family who have stated that they will also match what monies are provided by HTC. HTC have given HCC a covid 19 grant of £15,000.00 so he hopes that the family will match this as promised.

Mr Steve Keene: Cllr Zarczynski has consistently stated that there is absolutely no bullying at HTC despite several councillors resigning claiming bullying. He had watched a serving Town Councillor at a Standards Hearing Sub-Committee into alleged bullying by this Councillor. That Councillor's behaviour was found to be inappropriate and breached HTC's Code of Conduct in relation to a former HTC member of staff. The Councillor was also found to have not treated that employee with courtesy and respect and was found guilty, censured, asked to attend training and apologise to the former member of staff. Has this Councillor resigned or been asked to resign? If the Councillor refuses to do so, what do the other Councillors feel are the implications for them and the reputation of the Council?

Cllr Zarczynski: In all his time on the Council and during his time as Mayor he has never witnessed any bullying. There have never been any official complaints of bullying against a Councillor by a member of staff. The only complaint that came to him via official channels was from a junior member of staff against his line manager and an officer. That junior member of staff resigned, his resignation was not accepted, and the HR Committee met with him. Following the meeting the resignation was retracted on the basis that the bullying issues would be addressed. However, that did not happen. Regarding the recent standards hearing the Cllr in question had not spoken to the employee in question for about 2 years apart from a short meeting in the High Street before the market was reopened which he was due to attend but could not at the last minute. He asked Cllr Taylor to attend that meeting which he believed was only with former Cllr Wyatt. He was disappointed by the decision of the Standard Committee. Cllr Taylor had been asked to produce a report as there were no documents relating to health and safety for reopening the market. The report was for internal use only and he merely stated facts. The hearing's findings are concerning as Cllrs have a duty to speak up and state facts when they feel that something is incorrect which is what Cllr Taylor did. Stating facts is not bullying and the complainant was never harassed by Cllr Taylor or any other Cllr including himself. Re other allegations of bullying, he categorically denies any bullying took place – instead HTC has been too understanding in the past and should have addressed issues sooner. Bullying is very fashionable at the moment especially from people who do not want to answer questions or have run out of questions – similarly stress at work. He has reviewed emails over 2 years and there were no official complaints or emails critical of Cllrs behaviour.

The Town Clerk warned against discussing confidential matters subject to legal process and advised that all present should only say what can be said in public.

Cllr Zarczynski: As there was a current legal dispute involving Mr Tony McCollum he would not enter into further discussions on the standards hearing or any HR matters.

Steve Keene: Was Cllr Zarczynski saying that he did not agree with the EDDC ruling?

Cllr Zarczynski: He was disappointed by the ruling and concerned by it as it restricts Cllrs from speaking their mind for fear of being accused of bullying.

Mr Burgess: Why have HTC not published the decision notice of the standards hearing on its website?

The Town Clerk: The decision notice will be on the agenda for the next Council meeting on the 26th April.

Mr Burgess: Does Cllr Taylor stand by the statement he made as part of his submissions to the Standard Hearing when he stated that if the Darsley report was not thrown out, then he would request permission for a JR and would not even accept a recommendation for training?

Cllr Taylor: He had received a letter from an EDDC officer prior to the hearing stating that there would need to be a JR. This was brought up at the hearing but not dealt with. As such the decision of the hearing was pre-determined. The bundles he provided to the hearing contained private and confidential information and he had presumed that EDDC would redact anything which was questionable or unlawful. Nothing was redacted and therefore EDDC have accepted the contents as true. Also there was severe conflict as the three EDDC Cllrs are from the same political grouping as the complainant.

Mr Burgess: The Bailey dispute and the £60,000 legal bill – who is responsible for this waste of public funds and why they have not resigned from the Council?

Cllr Zarczynski: In 2014 the internal auditors advised that HTC must pursue the unauthorised overspend and Council must abide by recommendations in the auditors report. The new 2015 Council did nothing until he was re elected in a by election on a finance mandate. The claim was not weak. HTC acted on legal advice and there was sufficient evidence to pursue a claim for breach of contract by the project managers. However, HTC ran out of time due to the coronavirus and so HTC reluctantly had to withdraw from the claim although other options remain.

Mr Burgess: The name on the contract was HCC and not HTC and HTC were warned about the consequences before taking action but did nothing to remedy this and this is what caused the claim to fail. HTC was claiming over £100,000 which EDDC had paid – which is not recoverable. Foot Anstey did not get all the documents which may have altered their advice. Re the assertion that there was no bullying, Mr Burgess quoted from previous Cllrs resignation letters, the letter from the

Chamber of Commerce rejecting HTC's membership, resignation letter of Mr McCollum, and the findings of the Standards Hearing.

Mr T McCollum raised a point of order regarding his naming by Cllr Zarczynski and referred to his letter dated 10th July 2020 sent to the Deputy Town Clerk which set out his allegations of bullying which the Council failed to address.

Serena Sexton expressed her regret that the meeting had descended in the way that it had and suggested that questions has not been answered as they should be.

Fiona Hanratty expressed her disappointment that Cllr Zarczynski had referred to allegations of bullying and stress as fashionable.

Cllr Zarczynski stated that he did take mental health seriously but questioned the validity of some of the accusations made against the Council.

Cllr McNally advised that the issues regarding bullying had upset her as she had been bullied by a MOP at a Council meeting last year. Cllrs have a right to speak and defend themselves.

Cllr Taylor assured all present that he also understood mental health and bullying complaints as he had suffered from bullying himself in the work place.

Serena Sexton expressed her wish that all treated each other with respect and this was seconded by Cllr Z.

The Mayor thanked those present for attending.

The meeting closed at 8.50pm.