**MINUTES OF A MEETING OF ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL (ALCC) HELD ON 30 OCTOBER 2019 at 7.00pm in the Council Chamber, Mitre Street, Abertillery**

**PRESENT: Councillors:**

Peter Adamson, Keri Bidgood, Gill Clark (Chair) (in the Chair), Roger Clark, Tracey Dyson, Julie Holt, Mark Lewis, Beverley Lucas, Perry Morgan, Gary Oakley, Rob Phillips, Tracy Postlethwaite, Nick Simmons and Glyn Smith

**Officers:** Richard Gwinnell, Town Clerk

**Others:** Michaela Assiratti (as a member of the public until item 6 (minute 96 below) and as a Councillor after that item)

**ABSENT:** Councillors Amanda Edwards, Allen Rees, Bernard Wall and Graham White

**90. APOLOGIES FOR ABSENCE AND WELCOMES**

Apologies for absence were received from Councillor Allen Rees.

New Councillor Tracy Postlethwaite was welcomed to her first meeting. Michaela Assiratti, who had applied to be co-opted onto the Council, was also welcomed to the meeting.

**91. DECLARATIONS OF INTEREST**

No members declared any personal interests.

**92. MINUTES: COUNCIL – 18 SEPTEMBER 2019**

**Council RESOLVED:** that the minutes of the Council meeting held on 18 September 2019 be confirmed as a correct record, for signature by the Chair.

**93. MINUTES: COUNCIL – 25 SEPTEMBER 2019**

**Council RESOLVED:** that the minutes of the Council meeting held on 25 September 2019 be confirmed as a correct record, for signature by the Chair.

**94. QUESTIONS FROM THE PUBLIC**

There were no public questions for this meeting.

**95. COUNCIL ACTION LIST**

The Clerk outlined the action sheet and answered questions.

**Council RESOLVED:**

(1) to note the updates shown in the action list
(2) to remove the following items from the action list:

| Meeting | Minute ref. | Decision / action required | By whom | Position |
|---|---|---|---|---|

| | | | | |
|---|---|---|---|---|
| Council 26.9.18 | 62(4) | Investigate facilitating a quarterly problem solving and business networking session; any costs to come back to Council for approval | Shop Local Working Group | Meetings are taking place as part of the Shop Local WG |
| Council 21.11.18 | 138(3) | Blaina Riots Plinth – seek further details of the help or funding they are asking ALCC for | Clerk/ Deputy | No response was received. Too much time passed |
| HR Ctte 10.12.18 | 151 | Meet in new year (2019) re staff job descriptions | HR Ctte | Too much time passed |
| Council 12.12.18 | 156 | Ask for more details of the Ebbw Fach Crime Prevention Panel and let members know | Clerk/Deputy | No response was received. Too much time passed |
| Council 12.12.18 | 172(2) | Enter into [a payroll service provision] agreement with BGCBC if possible | Clerk/Deputy | Completed |
| Council 20.2.19 | 201(3) | Report back following discussions with BGCBC re Jubilee Square gates and cleaning | Cllr J Holt | Completed |

## 96. COUNCILLOR VACANCIES

The Clerk reported that an application for co-option into the vacant Aberbeeg seat had been received from Michaela Assiratti (who was also currently known as Tina Silverthorne, pending an intended change of name). He circulated the application for members to read.

**Council RESOLVED** to co-opt Michaela Assiratti (aka Tina Silverthorne) onto the Council as a Councillor for the Aberbeeg ward.

Michaela Assiratti signed her declaration of acceptance of office and became a Councillor at that point. She attended the rest of the meeting as a Councillor.

## 97. COMMITTEES AND WORKING GROUPS

Comments were made and questions answered about the membership of the Shop Local Working Group and about the number of members on some working groups.

**Council RESOLVED:**

(1) to appoint Councillor Michaela Assiratti to the Planning and Environment Committee
(2) to appoint Councillor Michaela Assiratti to the Leisure and Tourism Working Group
(3) to appoint Councillor Tracy Postlethwaite to the Leisure and Tourism Working Group
(4) to note Councillor Gary Oakley’s resignation from the Leisure and Tourism Working Group (due to the number of other members on that group)
(5) to appoint Councillor Tracy Postlethwaite to the Shop Local Working Group.

## 98. FINANCE ORDER

The Clerk outlined the finance order, commenting particularly on the more detailed format and the recommendations. The new format was welcomed by members and questions were asked and answered, about the potential for additional staff costs in this financial year and the ability for the Council to move money back out of reserves if it needed to.

**Council RESOLVED:**

(1) to note the payments listed in Table 1 and Table 2
(2) to authorise the payments listed in Table 3
(3) to note the current financial position on the current and reserve accounts
(4) to transfer £20,000 from the current account to the reserve account (this £20,000 was the as-yet unspent additional “project staffing” budget)
(5) to transfer £5,000 from the current account to the reserve account (this £5,000 was the as-yet unspent external auditor fees) and
(6) to ringfence the £5,000 external audit fees within reserves, until such time as payment is required.

**99. SOLAR FARM GRANT 2018: PROGRESS**

The Council considered progress reports attached to the agenda, which the Clerk outlined. Comments were made by various members that:

- excellent progress was being made
- anyone who visited Cwmtillery Lakes could see the progress for themselves
- progress on developing a community café in the Jim Owen Pavilion was however disappointingly slow
- it was crucial that a community café was delivered
- there was a long way to go till the end of March.

**Council RESOLVED** to note the progress reported.

**100. SOLAR FARM GRANTS CRITERIA**

The Clerk reminded members of the criteria adopted by Council on 25 September 2019. Queries had been raised since then about the so-called “5 year rule” (criterion 17) which read:

“The Council will not give Solar Farm Grants to the same organisation(s) within five consecutive years unless in exceptional circumstances”.

A member had interpreted this to mean that any applications from organisations which had received funding within the last five years need not be considered this year and should be rejected prior to the Solar Farm Grant Working Group (SFGWG) meeting, which had been due to be held on 18 October. Another member had supported this interpretation, with an opinion about the legal interpretation of the wording. The Chair of the SFGWG had called off the SFGWG meeting, due to the lack of agreement on the meaning of the criteria and its potential effect on applications. Two organisations had been told (by a councillor) not to apply at all, because of the so called 5 year rule, as they had received solar farm grants two years ago.

The Chair stated that organisations which had applied and received funding in 2017 did not know then, that they could be prevented from doing so for another five years, due to a rule introduced in 2019 by the Council. Backdating this new rule was therefore unfair. That was why she had asked for the criteria to come back to the Council for clarification, before any applications for funding were considered.

Members debated the issue at length, with the following main comments being made:

- the 5 year rule did not specify that it was only applicable from 2019, forwards
- the 5 year rule should apply from when solar farm grants started in 2017
- criterion 17 said the Council would not give a solar farm grant to the same organisation within five years, and should be read "on the face of" the words used, meaning they should apply backwards and forwards (to a whole five years)
- some organisations may not have applied this year, because they had read that rule in the retrospective context
- the rule meant that organisations which had received funding within the last 5 years could not apply again
- the 5 year rule had not been specified by the Council until now, so the Council could only apply it from now
- the Council should clarify that the rule applied from September 2019 and re-advertise, allowing other organisations to apply within two weeks (as was allowed previously)
- legal advice should be sought on the 5 year rule.

The Clerk was asked to advise. He advised that:

- the Council could not adopt such a rule in 2019 and apply it backwards
- like new laws, it could only be applied from the date it was adopted
- applying the new rule from a date in years past could potentially exclude people who had received funding previously, when they did not know previously that they would be excluded
- if applicants had known in 2017 that they would not get funding for a further 5 years, they may not have applied at all in 2017, or may have applied for a different amount
- organisations excluded by the 5 year rule (if applied retrospectively) might challenge that decision
- if challenged, the courts were likely to look at the intention of the words (not just the words themselves) and the reasonableness of the decision
- he (the Clerk) had written the words, based on discussions at the working group and in Council meetings over a long period of time
- he was the author of the words and his intention (when he wrote the words) was that the 5 year rule would be applied going forward, not looking back
- most people in his view would consider that to be the most reasonable approach.

Councillor Oakley expressed the view that the Clerk was advising Council to take an unlawful decision. He asked for this to be recorded in the minutes.

The Clerk advised further that:

- all applications should be considered by the Council on their merits
- there may be exceptional circumstances which the Council needed to consider
- no-one should be told by a councillor, that they could not apply at all
- anyone who had been told that should be informed otherwise; and should be given a fair chance to apply
- there were potentially many different interpretations of various criteria
- he had been asked to advise and was doing so, as he was the Clerk to the Council.

Further comments were made by various members, including that:

- the Council needed to look at all applications received on their merits

- there may be exceptional circumstances
- the 5 year rule hampered the Council in its decision making
- the working group should look at all applications and make recommendations to the Council, as it was asked to do (at the September meeting)
- the working group would decide the applications
- the Council was “making heavy weather” of this; it needed to allow for exceptional circumstances and give itself room to decide the best option.

The Clerk advised further that:

- the Council could decide to change the wording of criterion 17 if it wished
- it should make clear that the 5 year rule applied from the 2019 round of solar farm grant funding forwards
- it should in that case re-advertise and allow a further two weeks for organisations to apply, in case they had not applied, because of the 5 year rule
- alternatively, Council could decide if it wished to remove the 5 year rule altogether, so that there was more flexibility for the Council (as it may wish to fund multi-year, higher value projects)
- the working group could only recommend; not decide to exclude some applicants
- it was not a committee and did not have delegated powers to decide
- the Council should receive all applications, along with recommendations from the working group
- if Council wished, it could receive the applications directly, without the need for the working group to consider the applications first
- the criteria needed to be clarified, as people had already been excluded due to them being told (by a councillor) not to apply.

Councillor Dyson moved that: (a) criterion 17 (the so called “5 year rule”) be removed and (b) that ALCC advertise for a further two weeks, to enable any other organisation to apply (who may not have applied already, because of the so called “5 year rule”).

A member stated that the previous decision would have to be rescinded. This could not be done without the prior notice and special motion required in Standing Orders.

The Clerk read aloud Standing Order 7. He explained that this prevented the reversal of a previous decision, unless there was the required notice and special motion. It did not prevent the Council changing or clarifying the criteria (short of reversing them altogether).

Councillor Simmons moved an amendment: that independent legal advice be sought on the 5 year rule.

The Clerk advised that decisions needed to be made on the allocation of the grant as soon as possible. He questioned the cost and time implications of seeking external legal advice.

Councillor Smith moved a further amendment: that legal advice on the 5 year rule be sought from One Voice Wales. Councillor Simmons supported this change to his amendment.

**Council RESOLVED** (with 9 members voting in favour): that the Clerk seek legal advice on the 5 year rule from One Voice Wales and report this to the Council’s 20 November meeting, if received by then.

**101. CHRISTMAS 2019**

Councillor Phillips reported on progress with preparations for Winterfest, which would be held on Saturday 30 November 2019 from 12pm to 8pm and include:

- Church Street and Arcade: more than 20 craft and other stalls
- Jubilee Square: musical entertainment and bucking reindeer (relocated from Market Street due to the car park being used by The Met that day)
- Ebenezer Chapel: Santa's Grotto
- Foundry Bridge Car Park: funfair
- Museum: story telling with puppets, Animal Attractions and Owl Sanctuary, first aid post, lost children centre and public toilets
- Santa's Procession and Lantern Parade: starting at the Cenotaph (Somerset Street) and TR Centre (Cwm Cottage Road) at 5.30pm, with lanterns handed out by ALCC councillors from 5pm
- Church Street: Santa's procession arrives for Lights Switch On at 6pm
- Publicity: banners, posters and Facebook.

He asked members to volunteer to help on the day with setting up, stalls, handing out lanterns and escorting lost children (if members had a DBS certificate). He also asked if ALCC could provide the usual "car park closed" notices for Market Street. The Clerk confirmed that this would be done.

The Clerk stated that there were two pantomimes being performed this Christmas in The Met. There was no need therefore to buy in a pantomime company from elsewhere, as had been suggested previously. Furthermore, The Met had no days free to perform another pantomime during the Christmas period. The Met had approached the Clerk with a request for funding, to help schools with the costs of sending children to attend the pantomime. It had been suggested that ALCC might provide funding from the £1,300 budgeted (for a pantomime), to help schools with these costs. The Clerk had contacted Abertillery Learning Community staff, who had initially reported that the issue was not a lack of funding; rather a shortage of days available for school trips. He had received no reply to further enquiries, including an email and phone call.

Following a motion from Councillor Simmons:

**Council RESOLVED:**

(1) to note the updates on Winterfest
(2) to withdraw the £1,300 budgeted for a pantomime from ALCC's current budget
(3) to move that £1,300 from the current account to the reserve account.

**102. CHRISTMAS LIGHTS**

Councillor Phillips (Chair of the Christmas Lights Working Group) (CLWG) outlined the recommendations of the CLWG. It had been claimed that the lights in the trees outside Bournville Community Hall (BCH) belonged to BCH. If that was the case, it was assumed they would keep those lights. Hence the proposal was for ALCC also to provide Christmas lights in those trees, as it had done elsewhere.

**Council RESOLVED:**

(1) that ALCC provides 100m of LED coloured lights in the trees outside Bournville Community Hall

(2) that these lights be installed and removed at the same time as all other lights under the ALCC contract
(3) that this section be added to the contract with Centregreat
(4) that the additional cost (approx. £800 per annum) be met from the Christmas lights budget.

## 103. SHOP LOCAL WORKING GROUP (SLWG) REPORT

Councillor Lewis (Chair of the SLWG) outlined the minutes and recommendations of the SLWG which were attached to the agenda.

The Chair of the L&TWG (Councillor Dyson) objected to the SLWG discussing matters which were within the L&TWG's remit, including the Fun Run and Abertillery in Bloom.

Lengthy discussion ensued on which group was responsible for what, who was leading on various projects, who should report back to which group and so on.

The Clerk circulated the terms of reference of committees and working groups, as at 4 September 2019, and answered questions about when they had been adopted.

Various members suggested that the Council think again about which working groups it needed and which should do what, as working groups had evolved over time, they were less structured than other areas of Council business and there were overlaps.

Discussion ensued on the importance of the well-being agenda and the lack of meetings of the Well-being Working Group. Some members considered that well-being was at the heart of everything ALCC did. It was about the stated five ways of working and making sure all efforts were focussed on achieving the overarching well-being objectives.

Councillor Holt stated that she had started a mapping exercise, to map what ALCC was doing in terms of youth engagement and how that related to the well-being agenda. She had also started a template for other projects. That could be used as evidence of what ALCC was doing to meet the well-being agenda. She was happy to share that work with the Chair of the Well-being Working Group and report back to a future meeting.

Councillor Smith left the meeting at this point.

The Chair of the SLWG confirmed that approval was only required from Council for the purchase of 25 more window stickers. The other matters considered by the SLWG would be discussed further and brought back to Council at a future date.

The Clerk responded to questions about the £500 allocated in 2018 for spending on shop local initiatives. There was no need for Council to approve the purchase of 25 window stickers, as these could be purchased under existing delegations to officers.

**Council RESOLVED:**

(1) to revisit the terms of reference of committees and working groups at the November Council meeting and
(2) to note the report back from the SLWG.

## 104. REPORTS BACK AND RECOMMENDATIONS FROM WORKING GROUPS

**Youth Engagement Working Group (YEWG):** Councillor Oakley (Chair of the YEWG) referred to recent discussions in the YEWG about the funding for additional youth workers, paid for by ALCC. The Clerk circulated a paper supplied by Councillor Oakley. A copy is available on request. More youth workers were needed to cover shifts. This meant the money provided by ALCC could be used to fund the additional youth workers for six months or nine months, depending on how many nights per week and how many extra youth workers were involved. The YEWG recommended Option 1 in the report. The Council had already allocated the funds, so there was no request for further funding.

**Council RESOLVED:** to agree Option 1 in the report, i.e.:

*To fund 6 x detached youth workers working 9 hours per week, covering 5 days per week. The workers will be split into two teams of three alternating each week. Team 1 will work three nights, Team working two nights and completing paperwork/planning, then swap for Team 2 to work 3 nights and Team 1 working two nights and completing paperwork/planning. This arrangement allows flexibility if any staff are off sick or take annual leave, without having a break in service.*

*6 project workers Scale 5 point 20 x 9 hours per week*

*Hourly rate - £17.31 (£13.11+ 32% on-costs)*

*£17.31 x 9 hours per week = £155.79*

*£155.79 x 26 weeks (6 months) = £4,050.54*

*Total: 6 workers x £4,050.54 = £24,303.24*

*Total costs for 6 months provision, 5 nights per week: £24,303.24.*

## 105. SUSPENSION OF STANDING ORDER 3(x)

Council **RESOLVED** to suspend standing order 3(x) to extend the time limit for the meeting beyond the normal two hours.

Councillors Morgan and Phillips left the meeting at this point.

## 106. MEMBERS' ROOM

The Chair suggested that the Members' Room as currently furnished was not suitable for meetings or as a working room and that the comfortable sofas purchased many years ago gave an unprofessional image to visitors. She suggested that the sofas be moved into another room (the Knit and Natter Group had requested that they be moved into the Old Police Room, for their use) and that the Members' Room be refurnished as a proper meeting room, with tables and chairs purchased or sourced (used) e.g. from GAVO.

Two members pointed out that the building was owned by Blaenau Gwent County Borough Council and that they had signalled their intention to review the use of the building in future.

Another member suggested that the room be refurnished for use for small meetings for members or with constituents in the meantime.

**Council RESOLVED** that the sofas be moved from the Members' Room into the Old Police Room and the Members' Room be refurnished as a small meeting room, with tables and chairs purchased or sourced (used) e.g. from GAVO.

## 107. REPORTS BACK ON RELEVANT TRAINING OR MEETINGS ATTENDED

The Clerk referred to discussions held at a recent meeting of the One Voice Wales (OVW) Gwent Valleys Area Committee (GVAC) about asking Public Service Boards (PSBs) if town and community councils (T&CCs) in their areas could have a representative(s) on the Boards. OVW had been involved in discussions with Caerphilly PSB, which had recently agreed to have a T&CC rep on their Board. Other GVAC members had suggested that a joint letter be sent to the Blaenau Gwent PSB on behalf of all the T&CCs in the Blaenau Gwent area. The Clerk sought agreement to work with other T&CCs and OVW to send a letter to the Blaenau Gwent PSB, requesting that they allow a T&CC rep on the Board.

Councillor Simmons referred to a recent training session he had attended, where it was made clear that there would be more asset and service transfers (to town and community councils from county borough councils) in future, due to continuing cuts in budgets at County Borough level. He would report further to a future meeting on this issue.

**Council RESOLVED:**

(1) to note the reports back
(2) that the Clerk be authorised to work on a letter to the Blaenau Gwent PSB, alongside OVW and other T&CC Clerks, requesting representation for local T&CCs on the PSB
(3) to receive a report back from Councillor Simmons in due course on the training session he had attended.

## 108. CHAIR'S ANNOUNCEMENTS, RELEVANT CORRESPONDENCE AND CELEBRATING SUCCESS

The Chair reported that she had attended (with Councillor Lucas) the recent GAVO Blaenau Gwent Volunteer Awards evening. This was very successful and, without the crucial work of volunteers, many hugely valuable services to the public (e.g. sports clubs, the museum, drama groups etc) would not exist. She emphasised the importance of ALCC continuing to support such voluntary efforts wherever possible, through Council grants for example.

The Chair reminded members to collect the wreaths they were due to lay for Remembrance Sunday and to collect lamp-post poppies if they wished to put any up in the area. There was a list provided for members to indicate how many poppies they had taken. Another member suggested that the poppies be given to local tenants and residents associations, for them to put up in local areas if they wished.

The Vice-Chair referred to the recent success of Jack Shaw, winning his first UFC fight. This had occurred several weeks ago, so a letter of congratulations now would not be timely. As Celebrating Success had been a matter for decision at Council meetings in the past, staff were reluctant to write with congratulations, without gaining prior Council approval. She asked Council to agree, and:

**Council RESOLVED** that Celebrating Success letters may be sent out by the Council's staff between Council meetings in future, if members so request.

The meeting ended at 9.15pm.

Signed as a correct record by the Chair …………………………………………….……..……..

*NB these minutes are a summary of the proceedings and record of the decisions taken. They are not intended to be a verbatim record.*

*Minutes produced by Richard Gwinnell, Town Clerk*