



THE COMMUNITY COUNCIL OF ABERTILLERY & LLANHILLETH
CYNGOR CYMUNED ABERTYLERI A LLANHILLEDD

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Our Ref: **NOTICE OF MEETING**

11 November 2020

Dear Councillor

You are summoned to attend the Annual Meeting of Abertillery and Llanhilleth Community Council, to be held using video conferencing (Microsoft Teams) on **Wednesday 18 November 2020 at 7.00pm**. The agenda for the meeting is set out below.

All attendees, please be aware of your surroundings when attending this remote meeting and ensure any discussions which may be confidential are not conducted within earshot of other people. Guidance on conducting remote meetings has been issued to all members.

Council meetings are restricted to two hours, unless the Council chooses during the meeting to suspend standing order 3(x), if it wishes the meeting to last beyond two hours.

Members of the Council are being provided with a link to join the meeting. If any member of the public wishes to join the meeting, please contact the Clerk at the above email address by 10am on 18 November 2020, to discuss how the meeting can be accessed.

Yours sincerely

Richard Gwinnell
Town Clerk

AGENDA

1. Apologies for absence and welcomes

2. Declarations of interest or dispensations

Members who consider that they have an interest to declare are asked to state the item in which they have an interest and the nature of the interest. Any member who is unsure should seek advice prior to the meeting in order to expedite matters at the meeting itself.

ANNUAL COUNCIL BUSINESS

3. Election of Chair for the remainder of the 2020/21 civic year

- (a) To elect a Chair for the remainder of the civic year if the Council decides to elect a new Chair (NB the Council may choose whether or not to elect a new Chair; relevant excerpts from the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 are attached)
- (b) (if a new Chair is elected) Incoming Chair to sign the Declaration of Acceptance of Office (NB verbal statement required at this meeting: physical (ink) signature to follow when in person meeting is feasible) (see declaration attached)
- (c) (if a new Chair is elected) the new Chair takes the Chair at this stage of the meeting
- (d) (if a new Chair is elected) Retiring Chair's Statement.

4. Election of Vice-Chair for the remainder of the 2020/21 civic year

- (a) To elect a Vice-Chair for the remainder of the civic year if the Council decides to do so (NB the Council may choose whether or not to elect a new Vice-Chair; see relevant excerpts from the legislation attached)
- (b) (if a new Vice Chair is elected) Incoming Vice-Chair to sign the Declaration of Acceptance of Office (NB verbal statement required at this meeting: physical (ink) signature to follow when in person meeting is feasible) (see declaration attached).

5. Minutes: Council: 21 October 2020 (attached)

For confirmation as a correct record.

6. Committees, working groups and outside bodies for the remainder of the civic year (attached)

To appoint committees, working groups, members and Chairs, agree terms of reference, dates and times of meetings and any other appropriate arrangements and nominate members to serve on outside bodies for the remainder of the civic year. NB relevant legislation attached.

7. Announcement of Chair's Charity Appeal for 2020/21

8. Cheque signatories: to choose new cheque signatories if desired.

OTHER COUNCIL BUSINESS

9. Motion from Councillor Allen Rees (attached): "that Council consider whether the decision made at the HR meeting on the 12/6/20 to grant the power of decision making to the chair was unlawful at the next most convenient meeting."

10. Motion from Councillor Julie Holt: "That Council resolves, due to the Covid-19 pandemic and the need to minimise transmission of infection, all meetings of the Council, committees and working groups will be held remotely, using Microsoft Teams, with a telephone dial-in option, until the Council decides otherwise."

11. Towns or Villages in Bloom: to discuss and agree a way forward with this project.

12. Adopting BT Telephone Boxes: To consider the way forward.

13. Chair's announcements and relevant correspondence: To receive announcements from or deal with correspondence raised by the Chair or officers.

14. Date and time of next meeting

Local Government Act 1972

34 Chairman and vice-chairman of community council.

(1) The chairman of a community council shall be elected annually by the council from among the councillors.

(2) The election of a chairman shall be the first business transacted at the annual meeting of the community council and if, apart from subsection (8) below, the person presiding at the meeting would have ceased to be a member of the community council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.

(3) In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

(4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

F1(5)

(6) A community council may appoint a member of the council to be vice-chairman of the council.

(7) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council.

(8) During their term of office the chairman and vice-chairman shall continue to be members of the council notwithstanding the provisions of this Act relating to the retirement of community councillors.

(9) Subject to any standing orders made by the community council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

WELSH STATUTORY INSTRUMENTS 2020 No. 442 (W. 100)

LOCAL GOVERNMENT, WALES

The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020

Election of chairs and vice-chairs of principal councils and community councils at annual meetings

11.—(1) The 1972 Act is to be read subject to this regulation.

(5) Section 34 (community councils) is to be read as if—

(a) in subsection (1), after “councillors” there were inserted “; but if there is no election of a chair at the annual meeting of the council in 2020, the person holding office as chair immediately before the annual meeting of the council in 2020 may continue to hold office”;

(b) in subsection (2), after “subsection (3) below” there were inserted “; but the community council may decide not to hold an election of a chair at the annual meeting held in 2020”;

- (c) after subsection (2) there were inserted— “(2A) A community council that did not elect a chair at its annual meeting held in 2020 may hold an election of a chair at any time before 1 May 2021.”;
- (d) in subsection (7), for “the election of a chairman at the next annual meeting of the council” there were substituted “the next election of a chair held other than under section 88”.

Other appointments and elections required to take place at meetings

14.—(1) In this regulation— “relevant meeting” (“cyfarfod perthnasol”) means a meeting of a local authority to be held before 1 May 2021; “relevant office” (“swydd berthnasol”) means an office to which a person is appointed or elected at a relevant meeting, other than the offices of—

(b) chair and vice-chair of a community council;

(2) Any requirement imposed by any enactment or other instrument to appoint or elect a person to a relevant office at a relevant meeting, other than a requirement to fill a vacancy in that office, is to be treated as a power to appoint or elect a person to that office at any relevant meeting.

(3) The term of office of a person holding a relevant office immediately before these Regulations come into force continues until immediately before that person’s successor assumes office, despite any provision to the contrary in any enactment or other instrument, other than provision relating to vacating office before the end of the term of office.

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Declaration of Acceptance of Office Datganiad Derbyn Swydd

I,
Yr wyf i,

having been elected to the office of*
gan i mi gael fy ethol i swydd*

HEREBY DECLARE that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgment and ability.

YN DATGAN DRWY HYN fy mod yn cymryd arnaf fy hun y swydd honno, ac y cyflawnaf ei dyletswyddau yn gywir ac yn ffyddlon hyd eithaf fy neall a'm gallu.

I undertake to be guided by the National Code of Local Government Conduct in the performance of my functions in that office.

Ymgymeraf i gael fy arwain gan y Côd Gwladol ar Ymddygiad Llywodraeth Leol wrth gyflawni fy nyletswyddau yn y swydd honno.

Date:

Dyddiad:

(Signature) _____
(Llofnod)

This declaration was made and subscribed before me
Gwnaed y datganiad hwn a'i lofnodi ger fy mron i.

.....
†Proper Officer of the Council of the
†Swyddog Priodol o Gyngor
.....

*Insert description of office

*Rhowch ddisgrifiad o'r swydd

†If the declaration is made and subscribed before any other person authorised by section 83(3) of the Local Government Act 1972, adapt accordingly.

†Os gwneir y datganiad a'i lofnodi gerbron unrhyw berson arall a awdurdor gan adran 83(3) Deddf Llywodraeth Leol 1972, addaser yn unol â hynny.

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**MINUTES OF A MEETING OF ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL
(ALCC) HELD ON 21 OCTOBER 2020 at 7.06pm using Microsoft Teams video
conferencing**

NB the Council meeting started at 7.06pm. Members and officers logged in to Microsoft Teams from 6.30pm to ensure everyone could do so and to deal with any technical support issues. No members used the EE Group Call (telephone conferencing) option.

PRESENT: Councillors:

Michaela Assiratti, Vanessa Bartlett, Keri Bidgood, Gill Clark (Chair), Roger Clark, Tracey Dyson, Julie Holt, Mark Lewis and Beverley Lucas

Officers: Steve Edwards, Deputy Clerk and Richard Gwinnell, Town Clerk

Others: None

ABSENT: Councillors Peter Adamson, Perry Morgan, Gary Oakley, Rob Phillips, Allen Rees, Nick Simmons, Glyn Smith, Bernard Wall and Graham White

The meeting commenced with a minute's silence in memory of the 116 children and 28 adults killed on 21 October 1966 in the Aberfan disaster.

269. APOLOGIES FOR ABSENCE AND WELCOMES

Apologies for absence were received from Councillors Gary Oakley, Rob Phillips, Allen Rees, Nick Simmons and Bernard Wall.

In answer to questions and comments from members, the Clerk explained that Councillor Wall had given apologies for absence due to childcare responsibilities. The other eight councillors listed "absent" above had indicated (by way of an email from Councillor Phillips) that they would not attend the meeting. Some members had said they objected to remote meetings. The email received from Councillor Phillips on 20 October indicated that the members concerned would rather not take part in an online meeting where decisions were made on which projects receive the Solar Farm Funding, without a Solar Farm Grant working group meeting or a special meeting and they would not therefore be logging in to this meeting. The Clerk was asked to record this in the minutes.

Welcomes were extended to the 9 members who were present.

270. DECLARATIONS OF INTEREST

Councillor Roger Clark declared that he had a personal and prejudicial interest in agenda item 5 and agenda item 9 as he was the Chairman of Abertillery BG (Blaenau Gwent) RFC (Rugby Football Club), which had applied for a solar farm grant and a council grant. He would leave the meeting for those items of business.

Councillor Gill Clark declared a personal and not prejudicial interest in agenda items 5 and 9, as she was Roger Clark's wife.

No other members declared any personal interests at this stage.

271. MINUTES: COUNCIL – 17 SEPTEMBER 2020

Councillor Lewis referred to the discussion on replacing gazebos (minute 255(c)) and the comment that the proposal should be shelved. He had been under the impression that some of the ideas discussed at the last meeting could be explored further.

Comments were made by others that some of the ideas discussed at the last meeting could perhaps be explored further when Covid-19 was no longer an issue and events returned to normal. The Chair pointed out that the minutes were on the agenda for confirmation as a correct record only (not for the issues debated last time to be debated again today).

The Deputy Clerk explained that the minutes were accurate, as the last member who spoke on this issue on 17 September had suggested that the proposal (to replace gazebos) should be shelved, given Covid-19 and the lack of events. The Council (as shown in resolution (9)) decided that no action be taken on replacing gazebos. This decision (not to buy more gazebos) did not mean that the other ideas discussed (e.g. sharing or lending out gazebos) could not be explored further at some point in the future if Council so wished.

Council RESOLVED: that the minutes of the Council meeting held on 17 September 2020 be confirmed as a correct record, for signature by the Chair.

272. QUESTIONS FROM THE PUBLIC

There were no public questions for this meeting.

Councillor Roger Clark left the meeting at this point, due to the personal and prejudicial interest he had declared earlier, in the item below.

273. SOLAR FARM GRANTS 2020 APPLICATIONS

The Clerk outlined the solar farm grants process, criteria and history, including the need for applications to be submitted on the published form, with relevant quotes, by 12 October; the need for reports back with evidence of spending and receipts and photos; the need for groups to publicise the funding; the need for applicants to demonstrate clear economic, social or environmental well-being benefits (of their projects) to residents of the ALCC area; the option for clubs to apply if they had become companies in order to manage community facilities under community asset transfers for example; the need for grants to pay for lasting, tangible, sustainable projects and not ongoing running costs; the need for grants to help as many people and communities as possible; the "5-year-rule", the minimum and maximum amounts of grants; and the need for projects to involve links with local schools, to promote volunteering, to deliver environmental improvements, to promote links between different areas and communities in the ALCC area and to meet the well-being goals in the Wellbeing of Future Generations Act 2015.

The Clerk then outlined in detail each of the applications received, commenting specifically:

- which group or organisation had submitted the application
- whether they had received solar farm grant funding in the last five years (and, if they had, how much they had received previously, when and for what)
- what projects and specific things the applicant proposed to spend funding on
- how much funding had been requested
- whether the applicant had committed to providing reports back, receipts and photos
- whether the applicant had specified exceptional circumstances (and, if so, what those circumstances were)
- whether the applicant had complied properly with the published application process (e.g. whether they had supplied quotes)
- whether the application met the Council's criteria (e.g. whether it proposed a lasting, tangible, sustainable project with clear economic, social or environmental wellbeing benefits to a significant number of people or section of the population) in his opinion.

Comments were made by a member, that Abertillery Excelsiors Football Club had received funding in 2018, but that the funding had been for the development of the community café and the wider Cwmtillery Lake area, for the benefit of all local communities (not to benefit the football club directly). Another member commented that limited benefit may have accrued to the football club as well, as the café was in their building.

Comments were made by various members on each of the seven funding applications, as summarised below:

(a) Six Bells Bowls Club

- the application clearly met the criteria
- the aerator was a tangible, lasting piece of machinery which would benefit the wider park and community, not just the bowls club
- this project would promote health and wellbeing, promote volunteering and enable the club to be more sustainable longer term
- it was clear exactly what it would cost and its benefit would be easy to see
- the aerator would significantly help volunteers maintain the green.

(b) Brynithel Welfare and Community Centre

- this group had not applied for funding in 2019 due to the 5-year rule
- they had received £1,500 in 2017 but the exceptional circumstances were clear
- their scheme to remove asbestos, resurface the car park and provide fire proofing was fundamental to improving safety for all potential users of the centre
- the centre was the only community meeting facility in that area and this project should be supported.

(c) Abertillery Orpheus Male Choir

- this application did not meet the criteria
- they had received funding in 2017; their exceptional circumstances simply repeated what that 2017 funding was for; it did not make a case for more funding now

- the quoted cost for proofreading was very high; this was of concern
- the proposed book would only benefit people interested in the history of the choir
- a book would end up on a bookshelf of a limited number of people and not have any tangible benefit to wider local communities
- there was no environmental or sustainability benefit to producing a book
- the solar farm grants fund was not appropriate in this case
- this application should be removed from the process (all members agreed).

Councillor Bartlett left the meeting briefly during the discussion on (c) above, to deal with a family emergency. She expressed her views on (c) above when she returned later.

(d) Abertillery BG RFC

- this was a major multi-year scheme and funding would come from many sources
- there was a serious problem with anti-social behaviour, vandalism and mess in the area around the rugby club, with youths gathering out of sight there
- site security measures and CCTV were key to the success of any scheme
- CCTV and site security would also help the nearby cricket club and bowls club
- this was a fantastic project but the Council could not afford all of it
- the application had detailed breakdowns of costs but no actual quotes
- CCTV was essential to the whole project and receipts could easily be provided
- the area was currently a drain on Police resources
- anything else done on the site could be ruined, if CCTV and other site security measures were not installed there first.

Councillor Bartlett returned to the meeting and expressed her views during the discussion on (d) above.

(e) Bournville Social Institute, William Powell Memorial Hall

- it was not clear who this application was authored by and whether some councillors may have a conflict of interest
- several councillors had refused to attend this meeting; this was unacceptable
- the hall was the only community meeting facility in the area, similarly to Brynithel Community Centre, and deserved support
- the hall was very dilapidated and work to the fence, kitchen etc was overdue
- the hall was used by many local groups
- this application should stay in the process.

The Clerk explained that he was happy to advise councillors individually on whether they should declare an interest, if requested to do so by the individual councillor. No advice had been sought in respect of this matter. If people did not attend a meeting, they were not part of the decision making. He was not comfortable commenting on potential interests of people who were not here.

(f) Abertillery Excelsiors Football Club

- this application did not meet the criteria
- it was for £1,285 and the minimum grant was £5,000

- the club wanted help paying their bills to use 3G pitches through the winter and to pay for cleaning products
- this was ongoing running costs, not a sustainable project
- there was no community benefit, beyond the members of the football club
- there could be a short term health and wellbeing benefit during the Covid-19 crisis
- the club could apply instead for a council grant if they wanted to and the Clerk could write to them, to that effect
- this application should be removed from the process (all members agreed).

(g) Tyleryan Belles Sports Association

- the applicant had been awarded £5,000 in 2019 and had done a good job on their project, but they should wait longer for further funding under the 5-year rule
- there were exceptional circumstances and health and wellbeing benefits
- people may wish to give funding but it was important to be fair and consistent and to give other groups a chance
- the exceptional circumstances were not sufficient to outweigh other applications
- this application should be removed from the process (all members agreed).

As requested by members, the Clerk summarised which applications had been removed and which applications remained in the process and kept a running total of the funding available as proposals for funding for specific groups were made and discussed. Following proposals from various members:

Council RESOLVED (unanimously):

- (1) that £7,496 be granted to Six Bells Bowls Club, to pay for the bowling green aerator
- (2) that £7,000 be granted to Brynithel Welfare and Community Centre, to pay towards asbestos removal, car park resurfacing and electrical room security and fire proofing
- (3) that the application from Abertillery Orpheus Male Voice Choir be refused, as the production of a book about the history of the choir was not considered to be sufficiently in line with the criteria (e.g. it had limited benefit to wider communities)
- (4) that £13,047 be granted to Abertillery BG Rugby Football Club to pay towards outside security LED lighting, a CCTV system and fire and security alarms (as these would help reduce crime and anti-social behaviour in the area and were fundamental prerequisites of the whole project to regenerate the site and surrounding area)
- (5) that £7,457 be granted to William Powell Memorial Hall, to pay for the listed gardening equipment, gates, shed, benches, kitchen and folding tables
- (6) that the application from Abertillery Excelsiors Football Club be refused, as the hire of a 3G pitch and purchase of cleaning products was not considered to be in line with the criteria (e.g. it was running costs, not a lasting, sustainable project, with limited benefit to wider communities) and the club could apply for a council grant if they wished
- (7) that the application from Tyleryan Belles Sports Association be refused, as the club had received £5,000 of solar farm grant funding in 2019 and other funding requests were of a higher priority this year.

Further general comments were made by members that:

- receipts would be needed from the groups and organisations funded, to evidence that they had spent the funds as intended
- firm quotes should be obtained from the rugby club
- if quotes from the rugby club were insisted upon, quotes must also be obtained from the William Powell Memorial Hall and others
- quotes may come back and indicate that the projects would cost a lot more than the groups had indicated; this would effectively nullify the decisions already made
- as long as the groups spent the funds on the intended projects and purchases, and provided photos and receipts after the spending took place, to evidence spending, this would be sufficient proof
- the rugby club for example would simply need to provide invoices to show they spent the funds on CCTV, security lighting etc – and preferably a report from the Police to show a reduction in crime and anti-social behaviour complaints
- consistency was needed; some groups had supplied quotes and others had not.

The Clerk advised that the process published made clear that all relevant information must be submitted by applicants by 12 October. The Council should consider the information it had already received. If it asked for more, any new information may differ from that already considered. Quotes received later may show higher costs than anticipated, or indeed lower costs than anticipated. If this were the case, the Council's decisions made today would not be applicable (as the amounts would have altered) and its decisions today would effectively be null and void. The Council would then have to consider the applications again at a later meeting and this would delay the process by some weeks. This may turn into months if quotes were not returned quickly. The Council would however write to the groups receiving funding (as it had done with the Cwmtillery project in 2018 and the seven projects funded in 2019), specifying what the funds were to be used for and that progress reports, photos and invoices/receipts must be supplied, as evidence that the spending had taken place and projects or purchases had been completed as planned.

Further comments were made by members that:

- quotes may take months to obtain, especially during Covid-19 lockdowns; this could take the process past the December spending deadline
- it would be up to the group concerned to make sure they spent the funds as planned and to make up the difference with funding from elsewhere if there was a shortfall
- quotes were helpful, but only if they equalled exactly the same as the estimates
- the precedent had been set with the Cwmtillery scheme and the advice of the Clerk should be followed as it would safeguard the Council.

Members agreed that the advice from the Clerk should be heeded, that the process outlined would safeguard the Council and that quotes should not be sought.

274. FINANCE ORDER

Councillor Roger Clark returned to the meeting at this point.

The Deputy Clerk outlined the Finance Order briefly and answered questions.

Council RESOLVED (unanimously):

- (1) that the payments shown in tables 1 and 2 of the finance order be noted
- (2) that the payments shown in table 3 of the finance order be authorised and
- (3) that the financial position on the current and reserve accounts be noted.

275. MOTION FROM COUNCILLOR OAKLEY

Councillor Oakley was absent, so could not move the motion he had submitted.

The Chair stated that she would treat the motion as withdrawn, as this was the second meeting where the motion appeared on the agenda and Councillor Oakley did not attend. Councillor Oakley could re-submit the motion if he wished to do so at a later date.

276. SUSPENSION OF STANDING ORDER 3(x)

Council RESOLVED (after 277(b) below): to suspend standing order 3(x) to enable the meeting to continue beyond the normal two-hour limit.

277. PROGRESS REPORTS / RECOMMENDATIONS FROM WORKING GROUPS

(a) Christmas Lights Working Group

No report back from the working group was given. The Chair of the working group was absent.

The Clerk reported that the lights in the tree outside the William Powell Memorial Hall at Bournville had not been removed, as the Chairman of the hall had asked for them to be left where they were (and the lights belonged to the hall).

(b) Leisure and Tourism Working Group

No report back from the working group was given.

(c) Shop Local Working Group

The Chair of the working group was asked to focus on the key issues, as it was after 9pm.

Artificial floral hanging baskets

Councillor Lewis (Chair of the working group) stated that various members had fed back to him via email, with their views on the two hanging baskets installed outside the Darth Vapor shop, with 5 members against the baskets and 4 in favour to date.

Comments were made by Councillor Vanessa Bartlett:

- she had stood and spoken to 11 people on street, to gain their views on the baskets already installed
- these people were members of the public and shopkeepers

- three people liked the hanging baskets, one was undecided and the remainder did not like them
- comments were made that they were too thin, the wrong colour, in the wrong place, and that public money should be spent on better things.

Comments were made by other members (main points):

- the idea of hanging baskets was good but this was the wrong time of year
- the baskets were too flimsy and would be battered in the wind and rain
- if Covid-19 had not happened, the Abertillery Knit and Natter Group had intended to flood the town this year with knitted flowers, representing different charities
- the Town in Bloom project was not moving forward
- a small garden grant was available earlier in the year but the Council was not eligible as it did not own or control the area of land concerned
- it may be possible to commission local people with the right skills to help
- this would be the idea of Town in Bloom in the longer term
- the majority of members did not wish to buy 28 more hanging baskets at this time
- the two hanging baskets already installed could remain where they were
- Councillor Lewis was thanked for all his hard work on the hanging baskets.

Council RESOLVED: (with one member voting against and all others in favour) (1) that no further hanging baskets be purchased and that the two baskets already installed be left in place.

Old Police Station

Councillor Lewis stated that the issues discussed at the working group had been referred to the Police.

Abertillery Town Centre regeneration/repair issues

Councillor Lewis stated that the issues discussed at the working group had been referred to Blaenau Gwent County Borough Council (BGCBC). The Chair stated that Councillor David Davies was BGCBC's Executive Member for Regeneration (not the Town Centre Regeneration Manager).

Green Walk area

The Chair thanked Councillor Lewis and Lee Hughes for their hard work cutting back and tidying the Green Walk area.

Council RESOLVED (2) to send Lee Hughes a letter of thanks for all his help and voluntary work, cutting back and tidying the Green Walk area and doing many other jobs locally.

War Memorial area

Councillor Lewis (Chair of the working group) stated that the working group had discussed the War Memorial, including benches, bins, the amount of litter, the floodlights around the war memorial statue, which were not working and needed to be replaced and other things.

He asked which working group had responsibility for the War Memorial area as it did not seem to be specifically allocated to any working group.

The Chair stated that the War Memorial was not in the remit of the Shop Local Working Group. Councillor Dyson stated that site visits had already been made to look at what needed doing with the floodlights, and benches had been discussed before with BGCBC and budgeted for. It made sense that this come under the remit of the Leisure and Tourism Working Group (L&TWG), that the lights be replaced as soon as possible and that the L&TWG discuss benches and other things further in due course.

Council RESOLVED:

- (4) that responsibility for the War Memorial site be added to the remit of the Leisure and Tourism Working Group (L&TWG)
- (5) that the L&TWG discuss benches, bins and other matters relating to the War Memorial site and report back to Council with recommendations
- (6) that £1,000 be set aside from the current budget to replace the floodlights around the War Memorial statue and
- (7) that officers be delegated authority to ensure the floodlights around the War Memorial statue are replaced as soon as possible.

The Chair again thanked Councillor Lewis for all his hard work.

Another member stated that the notes of the Shop Local Working Group showed that it was a remote meeting and that several members had attended the Shop Local Working Group meeting remotely. Those same members were boycotting remote Council meetings. It was obvious that they could attend remote meetings if they wanted to. The Clerk was asked to record this statement in the minutes.

(d) Solar Farm Grants Working Group

No report back from the working group was given.

(e) Well-being Working Group

No report back from the working group was given. The Chair of the working group was absent.

(f) Youth Engagement Working Group

No report back from the working group was given. The Chair of the working group was absent.

Councillor Roger Clark left the meeting at this point, due to the personal and prejudicial interest he had declared earlier, in the item below.

278. COUNCIL GRANT APPLICATION – ABERTILLERY BG RFC

In answer to questions, the Clerk explained that the application had not gone to the Finance and Grants Committee (F&GC) as no meeting of the F&GC had been held recently or

arranged as yet. The Council could refer it to the F&GC, but the committee would have to refer it back to the Council for a final decision. The Chair questioned the need to refer the application to the F&GC as it would have to come back to the Council in the end anyway and this would cause an unnecessary delay.

Various views were expressed by members, that:

- the maximum amount for council grants was £500
- this application was inappropriate; council grants were not designed to pay for sports clubs to install TVs
- this could open the floodgates (if approved) to countless other similar applications
- people were losing their jobs and wages as a result of Covid-19; if the Council gave nearly £1,000 to pay for a TV in a sports club, there would be public uproar
- the application could go to the F&GC first if that was the normal procedure; not sending it there might cause further division within the Council
- referring it back and forth would be a “pointless ping pong exercise”
- installing a c£1,000 TV in a sports club, which did not have security or CCTV, was asking for trouble; the club may be a target for vandalism.

Council RESOLVED (unanimously):

- (1) to consider the application itself and not refer it to the F&GC first
- (2) to refuse the application for the reasons discussed above.

279. INTERNAL AUDITOR RESIGNATION

Councillor Roger Clark returned to the meeting at this point.

The Council received the letter of resignation received from the Internal Auditor. The Clerk explained that a new Internal Auditor would need to be recruited as soon as possible, in the new year at the latest. Following comments from various members:

Council RESOLVED (unanimously):

- (1) that a letter be written to the outgoing Internal Auditor, thanking him for his very good and very efficient service to the Council
- (2) that the need to recruit a new Internal Auditor as soon as possible by the new year be noted
- (3) that officers liaise with local authority contacts to try and get another Internal Auditor
- (4) that officers be delegated all necessary powers to progress the recruitment process.

280. VACANCY FOR A GOVERNOR – SOFRYDD PRIMARY SCHOOL

The Chair reported that the governors had received three applications, for three vacancies. One of those vacancies was for a community council nominee, following the resignation of Keri Bidgood earlier in the year. She asked if any member wished to fulfil the role. No offer was forthcoming.

The Chair proposed that the Council nominate Kerry Carter to the role. Kerry was known to her, she was a retired teacher, she worked in the area with children and young people

already, she had applied and she was keen to undertake the role.

Council RESOLVED (unanimously): to nominate Kerry Carter to serve as a Community Council nominated Governor of Sofrydd Primary School.

281. ADOPTING BT TELEPHONE BOXES

Due to the time, this item was DEFERRED to a future meeting.

282. MEMBERS' ALLOWANCES AND EXPENSES

The Clerk informed Council of relevant decisions of the Independent Remuneration Panel (IRP) for Wales, as set out in the pages from the IRP annual report (2020) attached to the agenda. The Council could decide whether or not to pay some allowances to members, but other allowances were mandated (i.e. the Council had no choice). He clarified what the Council had decided in previous years and the fact that any member could forego any allowance to which they were entitled, in writing to him.

After discussion, **Council RESOLVED** (unanimously):

- (1) to note that the Council must pay a mandated allowance of £150 to all members
- (2) to note that the Council must pay a mandated special responsibility allowance (SRA) of £500 to a minimum of one and a maximum of five members, in recognition of special responsibilities
- (3) to pay one mandated SRA
- (4) to pay this mandated SRA to the Chair of the Human Resources (HR) Committee, as they have special responsibilities over and above anyone else and the Chair of the HR Committee and the Chair of the Council should be the same person
- (5) to pay members' travel costs for approved duties in line with the IRP rates, if claimed
- (6) to pay members' overnight stay subsistence expenses, if the Council resolves that a particular duty requires an overnight stay, in line with IRP determination 46
- (7) not to pay financial loss compensation to members
- (8) to note that the Council must provide for the reimbursement of necessary costs for the care of dependent children and adults in line with IRP determination 48
- (9) not to pay an allowance to the Chair of the Council
- (10) not to pay an allowance to the Vice-Chair of the Council.

NB1 Councillor Gill Clark declared a personal and prejudicial interest before the Council made decision (4) above, as she was the current Chair of the Council and Chair of the HR Committee. She left the meeting before that decision was proposed or taken. The Vice-Chair (Councillor Dyson) chaired the meeting for that discussion and decision.

NB2 Councillor Gill Clark returned to the meeting and re-took the Chair after decision (4) above. She stated that she would not accept an SRA and that she would write to the Clerk to forego this allowance accordingly.

NB3 Councillor Roger Clark declared a personal and not prejudicial interest in the decision shown at (4) above as he was the husband of Councillor Gill Clark. He abstained from voting on that decision.

NB4 Councillor Gill Clark declared a personal and prejudicial interest before the Council made decision (9) above, as she was the current Chair of the Council. She left the meeting before that decision was proposed or taken. The Vice-Chair (Councillor Dyson) chaired the meeting for that discussion and decision.

NB5 Councillor Gill Clark returned to the meeting and re-took the Chair after decision (9) above.

NB6 Councillor Tracey Dyson declared a personal and prejudicial interest before the Council made decision (10) above, as she was the current Vice-Chair of the Council. She left the meeting before that decision was proposed or taken.

NB7 Councillor Tracey Dyson returned to the meeting after decision (10) above.

283. REMEMBRANCE AND CHRISTMAS EVENTS

The Deputy Clerk explained that guidance had been received today from Blaenau Gwent County Borough Council, making clear that any events to mark Remembrance must involve the minimum number of people possible, depending on the size of the site, and on the findings of site-specific risk assessments. People would not be able to attend events unless they were formally invited and people's personal details would need to be recorded so that track and trace (for Covid-19) could take place. Any member of the public or Council could go to a War Memorial privately at any time, but not around 11am on Remembrance Sunday. Six wreaths had been ordered as usual and Council needed to decide who would lay them. Members could lay them and photos could be placed on the Council's social media. Once Council decided who would lay wreaths, he would contact them individually to discuss.

A member pointed out that Council could not choose members to lay wreaths unless they were present in the meeting today and they confirmed they could carry out this duty (or else, if someone not present today was chosen, they may come back later and decline).

The following members volunteered to lay wreaths at the following locations:

- Councillor Beverley Lucas – Sofrydd
- Councillor Keri Bidgood – Llanhilleth
- Councillor Tracey Dyson – Abertillery
- Councillor Mark Lewis – Blaenau Gwent
- Councillor Roger Clark – Bournville
- Councillor Gill Clark – Aberbeeg.

The Clerk advised that it was extremely unlikely that there would be any Christmas events this year, due to Covid-19. No plans were being made for any Christmas events.

Council RESOLVED (unanimously):

- (1) to note the information reported and the limitations this year due to Covid-19
- (2) that wreathes be laid at the locations listed above by the councillors listed above
- (3) that the Deputy Clerk contact the members listed above individually about the specific arrangements for the relevant site.

284. TOWN IN BLOOM

Due to the time and the absence of several members, this item was DEFERRED to a future meeting.

285. CHAIR'S ANNOUNCEMENTS, RELEVANT CORRESPONDENCE AND CELEBRATING SUCCESS

No announcements were made.

286. DATE AND TIME OF NEXT MEETING

Council RESOLVED: that the next meeting be held on Wednesday 18 November 2020 at 7.00pm.

287. RESOLUTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED that, by virtue of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from discussions on the following item on the basis that disclosure thereof would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The Clerk left the meeting at this point, as he felt it could be considered that he had a personal interest in the matter to be discussed below.

288. COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

The Deputy Clerk gave an update on the 11 Public Services Ombudsman cases. One had been returned as it was not in the Ombudsman's remit to investigate that complaint, seven had warranted no further investigation. That left three live investigations that were continuing, it was not expected that any resolution would happen before February/March 2021. The Ombudsman had stated that they hoped to complete any investigations within 12 months. The Deputy Clerk would only bring this back to Council when there was progress to report.

The Clerk returned to the meeting after the above issue had been discussed.

Best wishes were extended to Councillor Bartlett for the speedy recovery of her family member. Comments were made that this had been a very good meeting, with excellent progress made.

The meeting ended at 9.50pm.

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 and Steve Edwards, Deputy Clerk

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ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL

TERMS OF REFERENCE OF COMMITTEES AND GROUPS

Effective from 22 October 2020

TERMS OF REFERENCE OF THE PLANNING AND ENVIRONMENT COMMITTEE

- 1.1 To consider and respond to consultations and express the views of the community council relating to planning applications and other development control matters within the boundary of the Community Council.
- 1.2 To consider and respond to the Planning Authority in matters relating to statutory structure and local plans.
- 1.3 To consider and respond to the relevant body in respect of highway matters.
- 1.4 To consider and respond to the relevant body in respect of listed buildings.
- 1.5 To consider and respond to the relevant body in respect of conservation orders and environmental matters.
- 1.6 To consider and respond to the relevant body in respect of licensing applications within the boundary of the Community Council.
- 1.7 To consider and respond to the relevant body in respect of tree preservation orders.
- 1.8 To consider and respond to the relevant body in respect of other environmental issues.

TERMS OF REFERENCE OF THE HUMAN RESOURCES COMMITTEE

The Committee will comprise of the Chair of the Council, Vice Chair of Council and three other members, to be determined by the Council.

The Committee will meet at least once per year, with additional meetings when required as determined by the Chair of the Committee and the Clerk.

The Committee will elect its own Chair and Vice Chair for the year at its first meeting following the Council's annual meeting.

The quorum of the Committee will be no less than three members.

The Committee will exercise on behalf of the Council its powers relating to:

1. Recruitment, rates of remuneration, termination of service, education, training, conditions of service, career development and all other similar matters relating to employees and where relevant (such as in matters of training) members of Council.
2. Performance reviews and annual appraisals.
3. All matters concerning working conditions, employee service, staff welfare, agreements concerning salaries, sickness and grievance procedures, disciplinary measures, disputes and consultations with employees and their representatives.
4. All matters relating to safety at work, risk assessment and safety policies.
5. The exercise of any discretion in respect of any employee under the Local Government Superannuation Act and regulations.
6. All other routine Human Resource matters within the general policies of the Council.
7. To undertake the annual review of staffing and pay structure.

TERMS OF REFERENCE OF THE COMPLAINTS AND APPEALS COMMITTEE

A Complaints and Appeals Committee will be summoned to meet when required.

The Committee will consist of four members of the Council, to be determined by the Chair of the Council and the Clerk, depending on the nature of the complaint or appeal. Where appropriate this will include the Chair of the most relevant Committee.

The Complaints and Appeals Committee will carry out its function in accordance with the Council's Complaints Policy, where it is dealing with a complaint.

In most instances it is not intended that political proportionality will be considered when appointing members to a Committee. However, if all members of a political group could be deemed to have a bias about a complaint or appeal, then, where practicable, the membership will consist of members of more than one political group.

The Complaints and Appeals Committee cannot hear complaints or appeals regarding members or their compliance with the Member Code of Conduct. These must be referred to the Public Services Ombudsman for Wales.

TERMS OF REFERENCE OF THE FINANCE AND GRANTS COMMITTEE

The Council itself takes all decisions relating to the approval of spending or grants (except ward grants, which the Committee may approve (but not refuse).

The Finance and Grants Committee's purpose is to consider and approve (but not refuse) ward grant applications and to prepare, monitor, review and assist in the effective financial management of the Council. Its role is to make recommendations to the Council in any of the matters listed below:

1. To keep under review the financial resources required by the Council to enable it to fulfil its statutory obligations and provide services for the well-being of its community, namely:
 - a) Preparing an annual budget and making recommendations to Council for the precept required.
 - b) Reviewing and making recommendations to Council on borrowing requirements, reserve funds, investments and banking arrangements.
 - c) Reviewing and making recommendations to Council on the Council's charging policy for services.
2. To monitor, annually review and make recommendations to the Council on the effectiveness of the Council's system of internal financial control system, specifically:
 - a) Ensuring compliance with Statutes, Contract Standing Orders and Financial Regulations.
 - b) Ensuring an adequate and effective system of internal audit of its accounting records and system of internal control, on receipt of the annual report.
 - c) Monitoring income and expenditure against budget.
 - d) Ensuring that accounts are properly maintained and reflect current best practice.
 - e) Ensuring that bank reconciliations are undertaken regularly

- f) Receiving and reviewing the draft accounts, draft Annual Return and draft Annual Governance Statement, prior to their submission to the Council for approval annually.
3. To monitor financial transactions including receipts, payments and bank transfers.
4. To identify business risks which may prevent the Council achieving its aims and objectives and make recommendations to the Council.
5. To ensure the Council has appropriate insurance cover in place relating to buildings, property, staff, members, public liability and employers' liability as may be necessary and make recommendations to the Council.
6. To consider and make recommendations to the Council in respect of all requests for financial assistance submitted to the Council, excluding solar farm grants and excluding ward grants (which the Committee may approve but may not refuse).
7. Any other matters, which, for reasons of expediency, are referred to this committee.

NB Financial Regulations 1.13, 1.14 and 5.1 specify that:

The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- *setting the final budget or the precept (Council Tax Requirement);*
- *approving accounting statements;*
- *approving an annual governance statement;*
- *borrowing;*
- *writing off bad debts;*
- *addressing recommendations in any report from the internal or external auditors,*

shall be a matter for the full Council only.

In addition, the Council must:

- *determine and keep under regular review the bank mandate for all Council bank accounts;*
- *approve any grant or a single commitment in excess of £5,000; and*
- *in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.*

The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.

COMPOSITION OF THE COMMITTEE

- Chair of the Council (who will not be the Chair of the Committee)
- 5 other members of the Council.

Council members who are not members of the Finance and Grants Committee may attend meetings and speak with the permission of the Chair. They may not vote.

CHAIR OF THE COMMITTEE

- The Chair of the Committee shall be appointed by the Council.
- The Chair of the Council signs the annual accounts and therefore shall not be the Chair of this committee.

QUORUM OF THE COMMITTEE

- At least one third of the total membership of the Committee
- Minimum 3 members.

MEETINGS OF THE COMMITTEE

- To be held at a time and on a day to be determined by the Committee ideally in April, June, November and January at the Council offices, Mitre Street, Abertillery.
- Extra meetings to be held as and when required.

OTHER MATTERS

Members joining this committee must undertake to attend all relevant meetings and all relevant financial and other training to enable them to be adequately equipped to undertake the role.

TERMS OF REFERENCE OF THE SHOP LOCAL WORKING GROUP

To discuss with local traders' representatives and other members of the public any matter pertaining to the promotion of local shopping areas (including a "Shop Local" campaign, Fun Run, public toilets and car parking provision), to develop plans and report back to the Council with recommendations.

TERMS OF REFERENCE OF THE CHRISTMAS LIGHTS WORKING GROUP

To discuss options relating to Christmas lighting and report back to the Council with recommendations.

TERMS OF REFERENCE OF THE WELL-BEING WORKING GROUP

To consider how to move forward effectively, in the context of the Well-being of Future Generations (Wales) Act 2015, the Blaenau Gwent Public Service Board's draft Well-being Plan and the Welsh Government Review of the Town and Community Council Sector in Wales, and to come up with a shared vision for the future and specific proposals for future well-being initiatives including Town in Bloom and report back to the Council with recommendations.

TERMS OF REFERENCE OF THE YOUTH ENGAGEMENT WORKING GROUP

To work with external agencies, examine whether any external grants/funding may be available, examine how ALCC can support existing youth engagement activities, whilst avoiding duplication, formulate proposals for youth engagement initiatives, and report back to the Council with recommendations.

TERMS OF REFERENCE OF THE LEISURE AND TOURISM WORKING GROUP

To work with external agencies, examine whether any external grants/funding may be available, examine how ALCC can support existing leisure and tourism activities, whilst avoiding duplication, formulate proposals for a 2019 Party in the Park and a Rugby 7s tournament, discuss matters relating to the War Memorial site including benches, bins, floodlights and the statue and report back to the Council with recommendations.

TERMS OF REFERENCE OF THE SOLAR FARM GRANT WORKING GROUP

To consider the way forward in respect of the Solar Farm Grant for 2019 and future years, take appropriate steps to monitor progress arising from past Solar Farm Grants, and report back to Council with recommendations.

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ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL (ALCC)

MEMBERSHIP OF COMMITTEES

Effective from 29 October 2020

PLANNING AND ENVIRONMENT COMMITTEE – ALL COUNCILLORS:	HUMAN RESOURCES COMMITTEE - COUNCILLORS:
<u>NB All ALCC councillors are on this Committee:</u> Peter Adamson Michaela Assiratti Vanessa Bartlett Keri Bidgood Gill Clark (Chair of the Council) (and Chair of the Committee) Roger Clark Tracey Dyson Julie Holt Mark Lewis Beverley Lucas Perry Morgan Gary Oakley Robert Phillips Allen Rees Nick Simmons Glyn Smith Bernard Wall Graham White	Gill Clark (Chair of the Council) (and Chair of the Committee) Tracey Dyson (Vice-Chair of the Council) Julie Holt Robert Phillips Allen Rees
COMPLAINTS AND APPEALS COMMITTEE	FINANCE AND GRANTS COMMITTEE – COUNCILLORS:
4 members to be decided upon by the Chair of the Council and the Clerk, depending on the subject nature of the complaint or appeal	Gill Clark (Chair of the Council) Perry Morgan Gary Oakley - Chair Allen Rees Nick Simmons Glyn Smith
LEISURE AND TOURISM WORKING GROUP – COUNCILLORS:	YOUTH ENGAGEMENT WORKING GROUP - COUNCILLORS:
Peter Adamson Michaela Assiratti Keri Bidgood Tracey Dyson - Chair Mark Lewis Beverley Lucas Robert Phillips Nick Simmons	Gill Clark Perry Morgan Gary Oakley – Chair Allen Rees Glyn Smith
SHOP LOCAL WORKING GROUP – COUNCILLORS:	CHRISTMAS LIGHTS WORKING GROUP – COUNCILLORS:
Peter Adamson Perry Morgan Mark Lewis – Chair Robert Phillips	Gill Clark Julie Holt Robert Phillips – Chair Glyn Smith Graham White More overleaf

WELL-BEING WORKING GROUP – COUNCILLORS:	SOLAR FARM GRANT WORKING GROUP
Peter Adamson Gill Clark Perry Morgan Gary Oakley Robert Phillips Nick Simmons – Chair Allen Rees Graham White	Gill Clark - Chair Perry Morgan Gary Oakley Rob Phillips
JOINT COMMITTEES	COUNCILLORS
JOINT COMMITTEE OF LOCAL COUNCILS IN BLAENAU GWENT (5 representatives) (JCLC)	Mark Lewis Perry Morgan Nick Simmons Glyn Smith Bernard Wall
CONSULTATION WITH COUNTY BOROUGH COUNCIL (out of Joint Committee) (2 representatives) (usually Chairman plus one other) + Clerk)	Bernard Wall Nick Simmons Gill Clark (Chair of Council) NB substitutes allowed if required – to be selected from JCLC list above
OUTSIDE BODIES	COUNCILLORS
ONE VOICE WALES GWENT VALLEYS AREA COMMITTEE (2 representatives) NB plus Clerk	Gill Clark Glyn Smith
ONE VOICE WALES LARGER LOCAL COUNCILS COMMITTEE (1 rep) NB plus Clerk	Glyn Smith
ABERTILLERY AND DISTRICT TWINNING ASSOCIATION (2 representatives)	Robert Phillips Tracey Dyson
SCHOOL GOVERNING BODIES (1 rep on each)	
St Illtyd's Community Primary Soffrydd Primary Ysgol Gymraeg Bro Helyg	Gill Clark Kerry Carter (Non councillor) Vacancy
ABERTILLERY REGENERATION (2 reps)	Nick Simmons Glyn Smith
BLAENAU GWENT HERITAGE FORUM	Peter Adamson Mark Lewis
BLAENAU GWENT ARMED FORCES COVENANT STEERING GROUP	Tracey Dyson
LOCAL LIST OF BUILDINGS OF INTEREST – ABERTILLERY AND DISTRICT WORKING GROUP	Gill Clark Graham White

ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL
PROPOSED DATES OF COUNCIL MEETINGS
FOR THE REMAINDER OF THE 2020/21 CIVIC YEAR

- Wednesday 16 December 2020 at 7.00pm
- Wednesday 20 January 2021 at 7.00pm (budget and precept)
- Wednesday 27 January 2021 at 7.00pm (ordinary business)
 - Wednesday 24 February 2021 at 7.00pm
 - Wednesday 31 March 2021 at 7.00pm
 - Wednesday 28 April 2021 at 7.00pm
- Wednesday 19 May 2021 at 7.00pm (ordinary meeting)
- Wednesday 19 May 2021 (annual meeting) (immediately after the ordinary meeting)

NB dates and times of meetings are subject to change

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Clerk Clerk <clerk.alcc@gmail.com>

HR Committee

1 message

Allen Rees <allenrees.alcc@gmail.com>

3 November 2020 at 09:54

To: Clerk Clerk <clerk.alcc@gmail.com>

Cc: Peter Adamson <peteradamson.alcc@gmail.com>, Michaela Assiratti <michaelaassiratti.alcc@gmail.com>, Keri Bidgood <keribidgood.alcc@gmail.com>, Vanessa Bartlett <vanessabartlett.alcc@gmail.com>, Gill Clark <gillclark.alcc@gmail.com>, Roger Clark <rogerclark.alcc@gmail.com>, Tracey Dyson <traceydyson.alcc@gmail.com>, Julie Holt <julieholt.alcc@gmail.com>, Beverley Lucas <beverleylucas.alcc@gmail.com>, Mark Lewis <marklewis.alcc@gmail.com>, Perry Morgan <perrymorgan.alcc@gmail.com>, Gary Oakley <garyoakley.alcc@gmail.com>, Rob Phillips <robphillips.alcc@gmail.com>, Glyn <glynsmith.alcc@gmail.com>, Nick Simmons <nicksimmons.alcc@gmail.com>, graham white <grahamwhite.alcc@gmail.com>

Good morning Richard

At the meeting of the Human Resources Committee on the 12/6/20 this committee agreed to grant the power to make decisions to the chair. After further reading of The Good Councillors Guide i realised that this decision was unlawful. I did make a motion to the Council (which i later withdrew for further consideration) to discuss whether this decision was in fact unlawful.

In reply to this original motion Steve (Deputy clerk) made inquiries to One Voice Wales if indeed this decision was unlawful.

Paul Egan , Deputy Chief Executive , One Voice Wales , on the 18/12/20 , answered this inquiry as follows.

" The delegation of certain day to day management tasks to a designated member on the basis you have indicated is perfectly acceptable and reflects common practice in other councils. Meera Tharmarajah, the former head of legal services in the National Association of Local Councils in her book Local Councils explained" states that :-

"It will be necessary for the HR Committee to appoint one of its councillors as the day to day contact to support , supervise, handle leave requests, absences from work , informal grievances and informal disciplinary matters etc." In all this information there is nowhere where Paul Egan stated that granting power of decision making to the chair is **LAWFUL**.

Paul Egan , Deputy Chief Executive , One Voice Wales, is one of the contributors who compiled The Good Councillors Guide.

In The Good Councillors Guide , part produced by Paul Egans organisation, it categorically states the following:-
Page 19

"In law, the chair has few special powers. For instance it is **UNLAWFUL** for a council to delegate decision making to any individual councillor and the chair is no different."

Page 21

" More importantly , the council must not allow delegation to a single councillor - not even the chair".

Page 28

" For example, it could be hazardous if councillors , clerk and chair allows any single councillor) to make decisions on its behalf.

As stated previously nowhere in the response from Paul Egan to Steve's inquiry does it state that granting decision making power to the chair is lawful. However as seen above Paul Egan whose organisation had input in compiling The Good Councillors Guide state on **THREE** occasions it **IS** unlawful or must not be done.

The Good Councillors Guide , part produced by One Voice Wales, also states :-

. A council must do what the law requires it to do

. A council must do only what the law says it may do.

. A council must not do anything unless it has legal power to act.

In addition when you sign "the declaration of acceptance of office" you also agree to observe the Code of Conduct. One of the principles of the Code as laid down by the National Assembly of Wales is

" A Duty to uphold the law "

I move that Council consider whether the decision made at the HR meeting on the 12/6/20 to grant the power of decision making to the chair was unlawful at the next most convenient meeting.

Allen Rees

Llanhilleth Ward .

See HR decision
over page

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NB the decision referred to in the motion from Councillor Allen Rees is decision (2) listed in confirmed minute 228 of the HR Committee held on 12 June 2020 as shown below.

228. COMPASSIONATE LEAVE POLICY

Members considered the ACAS advice and local council policy comparison, which the Clerk outlined.

Discussion ensued on the need to be sensitive and compassionate in the case of a family bereavement, taking individual circumstances into account and recognising that every individual dealt with bereavement differently and may need more or less time off work. The judgement of the circumstances was best made by the employee's line manager. If the employee went to the doctor, due to the stress of a bereavement, they were likely to be signed off sick for a month, but some people may feel able to return to work earlier or work from home or in other flexible ways. The Chair moved that the policy adopted by Blaenau Gwent County Borough Council be adopted for ALCC, as it was the most appropriate.

RESOLVED (unanimously) (1) that the following compassionate leave policy be adopted and compassionate leave be granted for ALCC:

For Bereavement of a near relative – Up to 5 days with pay (including funeral), which do not need to be taken consecutively, however it should be taken in a reasonable timescale at or around the time for the bereavement. Also, recognises that employees may require a reasonable amount of time off when a close family member passes away in recognition of the emotional impact with further reasonable amount of time off when a close family member passes away. Further time off without pay or flexible working arrangements may therefore be granted at the discretion of the line manager.

Near relative is defined as: Husband, Wife, Partner, Mother, Father, Son, Daughter, Brother, Sister including "in-law", step and half blood relatives, by adoption, or a person who is otherwise solely dependent upon the applicant at that point in time.

A query was raised about what would happen if the Clerk was in the position of needing compassionate leave. A councillor read the following quote from the Good Councillors Guide: "In law, the Chair has few special powers. For instance it is unlawful for a council to delegate decision making to any individual councillor and the Chair is no different". He expressed the view that the Clerk's line manager was the HR Committee.

Members and the Clerk explained that it was standard practice for the Clerk to go to the Chair (or Leader in some councils) for day to day "line management" checks or discretions (in situations such as compassionate leave or longer periods of annual leave) as there was no other more senior staff member for the Clerk to go to for "approval" and it took time (which would not be available in such sensitive and time critical cases) to organise meetings of the HR Committee (with three clear working days' notice). A member moved and the committee:

RESOLVED (unanimously) (2) that the Chair (or in his/her absence the Vice Chair) exercise the "line manager" discretion in relation to the Clerk.



Clerk Clerk <clerk.alcc@gmail.com>

RE: HR Committee (Category C5)

1 message

Paul Egan <pegan@onevoicewales.wales>

4 November 2020 at 14:00

To: Clerk ALCC <clerk.alcc@gmail.com>

Cc: Lyn Cadwallader <lcadwallader@onevoicewales.wales>, Wendi Patience <wpatience@onevoicewales.wales>

Hi Richard,

The advice I provided to Steve remains unchanged. The reference book that contains the advice about day to day management tasks was written by the former Head of Legal Services and is not really about delegating decision making to one member. If the Clerk for example applies for a day's leave at short notice and the Chair agrees, this is not what the legislators had in mind when they devised the law relating to the restriction of any one councillor making a decision.

Sometimes elements of the law need interpretation especially when a common sense and pragmatic response is required to matters such as day to day management tasks. The decision making involved here would be the approval of say an annual leave policy (The Decision) with the practical day to day management being implemented by the Chair. There is a clear distinction here.

Hope this helps.

Regards,

Paul

Paul R. Egan BA, Chartered MCIPD, PSLCC, F.Inst LM, FIPSM

Deputy Chief Executive and Resources Manager / Dirprwy Brif Weithredwr a Rheolwr Adnoddau

One Voice Wales/Un Llais Cymru

24c College Street/Stryd y Coleg

Ammanford/Rhydaman

SA18 3AF

01269 595400

pegan@onevoicewales.wales

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The principal representative body for Community and Town Councils in Wales/

Y prif gorff cynrychioli ar gyfer Cyngorau Cymuned a Thref yng Nghymru

Website/Gwefan: www.onevoicewales.org.uk



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Wrth adael Un Llais Cymru, cafodd yr e-bost hwn ei sganio ar gyfer pob firws sy'n hysbys. Rydym yn cymryd yr angen i warchod eich data o ddifrif. Er mwyn gweld ein Hysbysiad Preifatrwydd gwasgwch ar y ddolen ganlynol: http://www.unllaicymru.org.uk/OVWeb-CYM/polisi_preifatrwydd-16738.aspx Bydd hwn yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn gwarchod eich preifatrwydd. Croesawn ohebiaeth yn Gymraeg. Bydd unrhyw ohebiaeth a dderbynnir yn Gymraeg yn cael ei hateb yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi wrth ymateb.

Mae'r e-bost hwn at ddefnydd y sawl y'i bwriedid ar ei gyfer yn unig ac mae'n cynnwys gwybodaeth all fod yn freintiedig a/neu'n gyfrinachol. Os na fwriedid ichi dderbyn yr e-bost, dylech roi gwybod i'r sawl a'i danfonodd trwy ddanfon e-bost yn ôl a dileu'r e-bost hwn ac unrhyw atodiadau.

From: Clerk ALCC <clerk.alcc@gmail.com>
Sent: 04 November 2020 13:35
To: Paul Egan <pegan@onevoicewales.wales>
Subject: Fwd: HR Committee

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Hi Paul

Can you please see the below. You have responded before that the practice is acceptable. Please can you advise or ask NALC to advise whether it is lawful.

Many thanks

Regards

Richard Gwinnell

Town Clerk

Mobile 07395 949582

Abertillery and Llanhilleth Community Council

Council Offices, Mitre Street, Abertillery. NP13 1AE



----- Forwarded message -----

From: Allen Rees <allenrees.alcc@gmail.com>

Date: Tue, 3 Nov 2020 at 09:54

Subject: HR Committee

To: Clerk Clerk <clerk.alcc@gmail.com>

Cc: Peter Adamson <peteradamson.alcc@gmail.com>, Michaela Assiratti <michaelaassiratti.alcc@gmail.com>, Keri Bidgood <keribidgood.alcc@gmail.com>, Vanessa Bartlett <vanessabartlett.alcc@gmail.com>, Gill Clark <gillclark.alcc@gmail.com>, Roger Clark <rogerclark.alcc@gmail.com>, Tracey Dyson <traceydyson.alcc@gmail.com>, Julie Holt <julieholt.alcc@gmail.com>, Beverley Lucas <beverleylucas.alcc@gmail.com>, Mark Lewis <marklewis.alcc@gmail.com>, Perry Morgan <perrymorgan.alcc@gmail.com>, Gary Oakley <garyoakley.alcc@gmail.com>, Rob Phillips <robphillips.alcc@gmail.com>, Glyn <glynsmith.alcc@gmail.com>, Nick Simmons <nicksimmons.alcc@gmail.com>, graham white <grahamwhite.alcc@gmail.com>

Good morning Richard

At the meeting of the Human Resources Committee on the 12/6/20 this committee agreed to grant the power to make decisions to the chair. After further reading of The Good Councillors Guide i realised that this decision was unlawful.

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I did make a motion to the Council (which i later withdrew for further consideration) to discuss whether this decision was in fact unlawful.

In reply to this original motion Steve (Deputy clerk) made inquiries to One Voice Wales if indeed this decision was unlawful.

Paul Egan , Deputy Chief Executive , One Voice Wales , on the 18/12/20 , answered this inquiry as follows.

" The delegation of certain day to day management tasks to a designated member on the basis you have indicated is perfectly acceptable and reflects common practice in other councils. Meera Tharmarajah, the former head of legal services in the National Association of Local Councils in her book Local Councils explained" states that :-

"It will be necessary for the HR Committee to appoint one of its councillors as the day to day contact to support , supervise, handle leave requests, absences from work , informal grievances and informal disciplinary matters etc."

In all this information there is nowhere where Paul Egan stated that granting power of decision making to the chair is **LAWFUL**.

Paul Egan , Deputy Chief Executive , One Voice Wales, is one of the contributors who compiled The Good Councillors Guide.

In The Good Councillors Guide , part produced by Paul Egans organisation, it categorically states the following:-

Page 19

"In law, the chair has few special powers. For instance it is **UNLAWFUL** for a council to delegate decision making to any individual councillor and the chair is no different."

Page 21

" More importantly , the council must not allow delegation to a single councillor - not even the chair".

Page 28

" For example, it could be hazardous if councillors , clerk and chair allows any single councillor) to make decisions on its behalf.

As stated previously nowhere in the response from Paul Egan to Steve's inquiry does it state that granting decision making power to the chair is lawful. However as seen above Paul Egan whose organisation had input in compiling The Good Councillors Guide state on **THREE** occasions it **IS** unlawful or must not be done.

The Good Councillors Guide , part produced by One Voice Wales, also states :-

. A council must do what the law requires it to do

. A council must do only what the law says it may do.

.A council must not not do anything unless it has legal power to act.

In addition when you sign "the declaration of acceptance of office" you also agree to observe the Code of Conduct. One of the principles of the Code as laid down by the National Assembly of Wales is

" A Duty to uphold the law "

I move that Council consider whether the decision made at the HR meeting on the 12/6/20 to grant the power of decision making to the chair was unlawful at the next most convenient meeting.

Allen Rees

Llanhilleth Ward .



Clerk Clerk <clerk.alcc@gmail.com>

RE: Management of Clerk (Category E2)

1 message

Paul Egan <pegan@onevoicewales.wales>

18 August 2020 at 08:20

To: Clerk ALCC <clerk.alcc@gmail.com>

Cc: Lyn Cadwallader <lcadwallader@onevoicewales.wales>, Wendi Patience <wpatience@onevoicewales.wales>

Hi Steve,

The delegating of certain day to day management tasks to a designated member on the basis you have indicated is perfectly acceptable and reflects common practice in other Councils. Meera Tharmarajah, the former Head of Legal Services in the National Association of Local Councils in her book 'Local Councils Explained' states that:-

'It will be necessary for the HR Committee to appoint one of its Councillors as the day to day contact to support, supervise and appraise the work of the Clerk, handle leave requests, absences from work, informal grievances and informal disciplinary matters etc.'

Hope this helps.

Regards,

Paul

Paul R. Egan BA, Chartered MCIPD, PSLCC, F.Inst LM, FIPSM**Deputy Chief Executive and Resources Manager / Dirprwy Brif Weithredwr a Rheolwr Adnoddau****One Voice Wales/Un Llais Cymru****24c [College Street/Stryd y Coleg](#)****[Ammanford/Rhydaman](#)****[SA18 3AF](#)****01269 595400****pegan@onevoicewales.wales**

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Mae'r e-bost hwn at ddefnydd y sawl y'i bwriedid ar ei gyfer yn unig ac mae'n cynnwys gwybodaeth all fod yn freintiedig a/neu'n gyfrinachol. Os na fwriedid ichi dderbyn yr e-bost, dylech roi gwybod i'r sawl a'i danfonodd trwy ddanfon e-bost yn ôl a dileu'r e-bost hwn ac unrhyw atodiadau.

From: Clerk ALCC <clerk.alcc@gmail.com>
Sent: 18 August 2020 09:04
To: Paul Egan <pegan@onevoicewales.wales>
Subject: Management of Clerk

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Good Morning Paul

I hope you and family are all well and everyone in One Voice Wales is fine.

I am looking for a bit of advice.

We have an HR Committee that has full delegated powers to deal with any staffing matters, that Committee resolved to give the day -to-day management of the Clerk to the Chair, so that the Chair can authorise leave, be notified of sickness etc. All the major HR decisions would still go back to the HR Committee, it's just managing the practicalities of the day to day stuff

One of the Councillors is now disputing that, saying that an individual Councillor can not make decisions on their own, and that the HR Committee's decision is unlawful.

Is there anything within the legal framework, that allows the Chair to have the day to day line management responsibilities for the Clerk.

Regards

Steve Edwards

Deputy Clerk

Mobile 07743631066

Abertillery and Llanhilleth Community Council

Council Offices, Mitre Street, Abertillery. NP13 1AE.



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10/11/2020

Gmail - RE: Management of Clerk (Category E2)



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