

**MINUTES OF A MEETING OF ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL
(ALCC) HELD ON 22 JANUARY 2020 at 7.00pm
in the Council Chamber, Mitre Street, Abertillery**

PRESENT: Councillors:

Gill Clark (Chair), Peter Adamson, Michaela Assiratti, Vanessa Bartlett, Roger Clark, Tracey Dyson, Mark Lewis, Beverley Lucas, Perry Morgan, Gary Oakley, Rob Phillips, Allen Rees, Nick Simmons, Bernard Wall (arrived late) and Graham White

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

Others: None

ABSENT: Councillors Keri Bidgood, Julie Holt, Tracy Postlethwaite and Glyn Smith

168. APOLOGIES FOR ABSENCE AND WELCOMES

The Chair welcomed everyone to the meeting and asked people to use their microphones, speak one at a time and not interrupt others whilst they were speaking.

Apologies for absence were received from Councillors Keri Bidgood, Julie Holt and Tracy Postlethwaite.

Council RESOLVED that staff send a “get well” card to Keri Bidgood on ALCC’s behalf.

169. DECLARATIONS OF INTEREST

The Chair reminded members that, if they had any personal interests, they needed to declare them verbally and complete a personal interests form. A book of blank forms was circulating around the room as usual.

No members declared any personal interests.

170. MINUTES: COUNCIL – 30 OCTOBER 2019

Council RESOLVED: (with 5 members abstaining) that the minutes of the Council meeting held on 30 October 2019 be confirmed as a correct record, for signature by the Chair.

171. MINUTES: COUNCIL – 18 NOVEMBER 2019

Council RESOLVED: (with 6 members abstaining) that the minutes of the Council meeting held on 18 November 2019 be confirmed as a correct record, for signature by the Chair.

172. MINUTES: COUNCIL – 20 NOVEMBER 2019

Council RESOLVED: (with 7 members abstaining) that the minutes of the Council meeting held on 18 November 2019 be confirmed as a correct record, for signature by the Chair.

173. MINUTES: COUNCIL – 11 DECEMBER 2019

Councillor Oakley proposed two alterations to the minutes which he outlined as follows:

- (1) Councillor Julie Holt had stated that she was a member of Friends of Six Bells Park; this was not in the minutes and should be inserted in an appropriate place
- (2) on top of page 7 (page 35 of the agenda): He (Councillor Oakley) had not told groups not to apply; he had “agreed with them that they did not meet the criteria”.

Councillor Wall entered the meeting at this point.

Various members commented during lengthy debate on alteration (1) above that:

- Councillor Holt was not a member of Friends of Six Bells Park
- she had not said she was, because she was not
- Councillor Holt was not at this meeting, so she could not answer for what she said
- Councillor Holt was a member of the Friends of Six Bells Park (FoSBP) Facebook Group; that information was accurate and she may have said that
- some people remembered Councillor Holt saying she was a member of FoSBP
- others remembered Councillor Holt saying she was a member of the FoSBP Facebook Group
- others did not remember her saying either of those things.

8 members indicated that they had heard Councillor Holt say that she was a member of the Friends of Six Bells Park, at the 11 December meeting.

5 members indicated that they had not heard that.

The Clerk explained that neither of those statements was in the minutes, as he did not hear Councillor Holt say either of those things. Councillor Holt may have said either of those things, but with members speaking over each other at times, it was not possible for staff to hear and record everything. Also, as staff had to reply to questions throughout the meeting, it was impossible to record everything that everyone said.

The Chair reiterated that Councillor Holt was not a member of the Friends of Six Bells Park. She had not said that she was, because she was not.

The Chair asked what she could do, if the majority of members agreed an alteration to the minutes, but she (the Chair) did not agree with that alteration.

The Clerk read out standing order 12 in its entirety (points a to e). If the minutes were confirmed today as a correct record, with or without amendments, the Chair could if she wished record in writing that she did not agree that they were accurate.

The Chair objected to the proposed alteration to the minutes at (1) above and stated that she would make a statement to that effect if Council agreed the minutes with that change.

Debate then ensued on alteration (2) proposed by Councillor Oakley.

7 members indicated that they agreed with Councillor Oakley’s proposed alteration (2).

5 members indicated that they did not agree with proposed alteration (2).

The Clerk advised that proposed alteration (2) was not accurate, in his view. The minutes were accurate as they stood, in his view. He had written the minutes and he remembered what had been said. The minutes also accurately reflected the notes he took in the meeting.

Councillor Oakley stated that he had also asked for the minutes to record the discussion which took place about the risks of judicial review, during which he (Councillor Oakley) and the Clerk had made statements. This was not reflected in the minutes.

The Clerk pointed to pages 6 and 7 of the minutes (on pages 34 and 35 of the agenda), where that exchange was recorded in detail.

Councillor Oakley conceded that the minutes did record that debate.

The Chair put the minutes to the vote, with the alterations proposed by Councillor Oakley and agreed by the majority (at (1) and (2) above) included.

5 members voted that the minutes as amended were an accurate record of the meeting.

5 members voted that the minutes as amended were not an accurate record of the meeting.

5 members indicated that they were abstaining from the vote.

The Chair used her casting vote; that the minutes as amended were **not** an accurate record of the meeting.

The Chair asked the Clerk for advice on what to do next, as the minutes had not yet been confirmed as a correct record.

The Clerk advised that Council needed to confirm its past minutes as a correct record. This had not yet happened. Nearly an hour had already been spent today, debating the minutes, and there seemed little chance that more time spent today would end in agreement. The next meeting was on 29 January and Councillor Holt may be present, so she could answer for what she had said at the 11 December meeting. He therefore suggested and:

Council RESOLVED: to revisit the accuracy of the 11 December minutes at the 29 January Council meeting.

174. MINUTES: FINANCE AND GRANTS COMMITTEE – 14 NOVEMBER 2019

The Clerk explained that the Finance and Grants Committee had already confirmed its minutes as a correct record. The minutes were therefore for Council's information.

Council RESOLVED: to note the minutes of the Finance and Grants Committee meeting held on 14 November 2019.

175. MINUTES: FINANCE AND GRANTS COMMITTEE – 2 DECEMBER 2019

The Clerk explained that the committee had already confirmed its minutes as a correct record. The minutes were therefore for Council's information.

Councillor White stated that the alteration made by the committee (referring to the number of Internal Auditor visits) was not reflected in these minutes.

The Clerk pointed out that the alteration made by the committee was already reflected in these minutes (at the top of page 2).

Councillor Oakley (Chair of the Finance and Grants Committee) concurred with the Clerk.

Council RESOLVED: to note the minutes of the Finance and Grants Committee meeting held on 2 December 2019.

176. MINUTES: HUMAN RESOURCES COMMITTEE – 29 NOVEMBER 2019

The Clerk explained that the committee had not yet confirmed its minutes as a correct record, as there had been no further meeting of the committee since 29 November. The minutes needed to be confirmed as a correct record (HR Committee members could say whether they were correct) and noted by Council.

The members of the HR Committee confirmed that the minutes were a correct record of the HR Committee's meeting.

Council RESOLVED: that the minutes of the Human Resources Committee meeting held on 29 November 2019 be confirmed as a correct record, for signature by the Chair of the committee, and noted.

177. QUESTIONS FROM THE PUBLIC

There were no public questions for this meeting.

178. FINANCE ORDER

The Deputy Clerk outlined the Finance Order and reminded members of the longer than normal period it covered (due to the Council meeting in December being held earlier in the month than normal and before the relevant bank statement was received).

A question was asked about why some ward grants had not been approved at the Finance and Grants Committee meeting held on 13 January 2020.

The Chair of the Finance and Grants Committee explained that the criteria and process conflicted and had been referred back to Council for clarification. When that had been done (on 29 January) the applications would be considered again by the committee (in March).

The Deputy Clerk responded to detailed questions from members on staff salary payments (ref jury service and breakdowns of costs). An amount had been deducted from a salary payment due to jury service undertaken in September. This would be reflected in the

Finance Order when the invoice was received from Blaenau Gwent County Borough Council (BGCBC), which managed ALCC's payroll. Quarterly payments were made to BGCBC, so these were shown in the Finance Order. Under data protection legislation, no one was entitled to see the exact take-home payments of individual staff, as employees' personal tax codes for example were confidential. Members could however come into the office and see cheques paid and payroll calculations if they wished.

Council RESOLVED:

- (1) to note the payments listed in Tables 1 and 2 of the finance order
- (2) to authorise the payments listed in Table 3 of the finance order
- (3) to note the financial position on the current and reserve accounts.

179. BUDGET 2019/20 QUARTER 3 REPORT

The Deputy Clerk outlined the Quarter 3 budget report. He explained in brief that:

- there was currently a small (c£6k) overspend against budget for the three quarters ending 31 December
- a small underspend (c£14k) was predicted at year end (31 March)
- of this £14k, just over £8k was for as-yet-unallocated "new projects"
- of this £14k, the underspend on "allocated" funds was less than £6k
- considering ALCC had a budget of £234k, this degree of variance did not represent any cause for concern.

Questions were asked by various members about:

- whether the unspent Fun Run costs (£3k) were included in the underspend?
- how any underspends (e.g. on members allowances and the Deputy Clerk's pension payments) would be dealt with?
- why potential commitments (e.g. members' allowances and the Deputy Clerk's pension) had to be allocated in the budget, if they were not going to be spent?
- where the funds for those potential spending commitments sat during the year?
- whether it was a legal requirement to provide for these potential commitments?
- why these out-turn figures were not available at the Finance and Grants Committee on 13 January?

The Deputy Clerk responded that:

- the Fun Run (£3k) would not be spent this year, so that was part of the underspend
- if the Council had a surplus at year-end, this should in theory be put into reserves
- this had not been done in the past as ALCC had been "catching up" after several years of underspending and poor budgeting
- it was intended this year to put the majority of any surplus into reserves
- the funds for the Deputy Clerk's pension and members' allowances sat in the current account
- that spending had to be budgeted for, as it was a potential liability and may need to be spent during the year
- if those costs were not budgeted for, and then they were claimed, the Council would

- not have enough money to meet its spending commitments
- the Council could choose to put any year-end surplus into reserves, or decide to keep it in the current account and reduce the following year's precept if it wished
- Quarter 3 out-turn figures were not available at the time of the Finance and Grants Committee meeting as bank statements were awaited
- the Council (not the Finance and Grants Committee) was responsible for deciding the budget and precept.

Comments were made by various members that:

- there would always be a small difference between planned and actual spend
- members' allowances and the Deputy Clerk's pension were not large liabilities; they could be paid for out of reserves (if they were claimed) instead of the current account
- the Deputy Clerk had said he would never claim a pension and could not simply change his mind
- £3k could be taken off the budget and precept if Council wished to (as pension payments were not being made to the Deputy Clerk in reality)
- the Council had a legal responsibility to offer the Deputy Clerk a pension; he could if he wished refuse to take it but he could also change his mind at any time
- the Deputy Clerk would need to give 28 days' notice
- the Council had already resolved to build up its reserves, at least to the minimum level recommended by the Welsh Government (i.e. 3 months to 6 months spend)
- next year, more information on spending to date would be available earlier, so decisions on whether to reduce the precept or increase reserves would be easier
- the underspend was less than 5% of the budget; this was a significant achievement for which everyone involved should be congratulated.

The Deputy Clerk reiterated that:

- he had said in the past that he would not take a pension, but he could change his mind at any time; the Council had to budget for all its liabilities, including pensions
- if he left ALCC and the Council employed another Deputy Clerk, that person may decide to take a pension; the Council had to have the funds to pay for that
- it was a legal requirement to offer a pension to all staff
- the Council could not prevent staff making the choice they wished to make.

Council RESOLVED: to note the current position.

The Chair and Councillor Lucas asked members again to use their microphones and speak in turn and one at a time, so that everyone could hear what was being said.

180. BUDGET AND PRECEPT 2020/21

The Chair read an email received from Councillor Julie Holt as follows:

Unfortunately, I can't be at the meeting on Wednesday and therefore can't vote on the rise of the precept. Can it be announced that my opinion is that, bearing in mind that we haven't spent all the money this year, even though we've replenished reserves, I am not supporting any rise in the precept. Not even a cost of living rise. I would like this read out at the meeting and in the minutes please.

Several members objected to the email from Councillor Holt being read out. Comments were made that:

- 3 days' advance notice was needed of any agenda items; Councillor Holt's email was not on the agenda
- nothing should be read out if it attempted to influence members
- Councillor Holt was Chair last year; she appeared to be using that to influence others
- Councillor Holt was a Blaenau Gwent CBC member; she had a conflict of interest
- ALCC's spending this year was within 5% of its total budget, so the statement that ALCC had not spent all its money this year was "ridiculous"
- the Council had decided to replenish reserves if there was any underspend, so these comments were "meaningless"
- these comments should be recorded in the minutes.

The Chair stated that she had read out the email; members could either take Councillor Holt's views into account, or not. It was up to them. Councillor Holt was a member of BGCBC but this did not mean she had a personal interest. Many members of Tredegar Town Council (TTC) were also BGCBC councillors. If being a member of BGCBC prevented people from deciding on the budget, TTC would not be able to set a budget. She asked the Clerk to advise.

The Clerk advised that:

- members did not have a proxy vote
- if members were not present at a meeting, they had no vote
- the Chair had read out a short email; he did not see a problem with that
- Councillor Holt had merely expressed an opinion and asked for it to be read out
- members could ignore Councillor Holt's opinion if they wished
- Councillor Holt's opinion was about the budget, which was on the agenda
- all members could comment at meetings about items on the agenda; these comments were not published in advance of the meeting either.

Councillor Oakley objected to the Clerk calling him "Councillor Oakley" in a "raised voice". He asked to be addressed as "Gary". He stated that this was derogatory and that the convention was to use first names to refer to each other in Council meetings.

The Clerk apologised for any offence caused. He stated that he was unaware of any "first name" convention in Council meetings and did not mean any disrespect. There was an issue of people speaking over each other, which made it difficult for people to be heard.

Councillor Oakley stated that he accepted the apology.

The Deputy Clerk referred to the budget attached to the agenda, which had been agreed by the Finance and Grants Committee, for recommendation to Council. Since the meeting of the committee on 13 January, it had been confirmed that, when the lease expired in June, the Council could keep its existing printer, at no cost (except the cost per page of printing and a standing monthly charge). The £1,500 shown in the budget for printer rental was therefore no longer required and the budget could be reduced to £238,541.52.

Councillor Oakley, Chair of the Finance and Grants Committee, outlined the budget put forward by the committee (as attached to the agenda), commenting particularly that:

- the budget for the year ahead was not significantly different from the current year
- it was intended that any increase this year be limited to “inflation only”
- 2019/20 had been a very successful year for ALCC, with many good things happening and new initiatives started
- the proposed 2020/21 budget built on the good work started in 2019/20
- three Finance and Grants Committee meetings had been held to discuss the new budget; many hours and much thought had been put in by members and officers
- no changes were proposed to staff salary costs (the first yellow section)
- the staff training budget had been cut from £1,200 to £400
- the committee had agreed that the £800 difference should be put into reserves and ringfenced for other staff training if needed (e.g. CiLCA)
- the budget for member training had also been reduced to £1,000 (from £2,000)
- IT costs were estimated and should be discussed further at future meetings
- there was little room for manoeuvre on administration costs (the blue section), grants and members allowances (the second yellow section) or environment and leisure costs (the brown section)
- the “elective spending proposals” (the green section) was where Council had the most choice
- the items in the green section had been submitted by members
- the Finance and Grants Committee had gone through those in detail, to come to a final budget and precept which added inflation only to the current budget.

Councillor Oakley moved that Council agree £240,041.52 as its budget and precept for 2020/21.

Comments were made that:

- £1,500 was not needed for printer rental costs
- £3k could be removed from the budget as the Deputy Clerk was not in the pension scheme and ALCC did not have to pay those contributions.

Councillor Oakley stated that he was moving £240,041.52 as the budget for 2020/21 in any case. This was about continuing the good work started in 2019/20 and if there was any underspend at year end, this could be used to increase reserves. He invited questions.

Members commented or questioned (main points):

- the Finance and Grants Committee should have been given the up to date position on all accounts at its 13 January meeting
- the budget contained too much “guesswork” e.g. the figure of £22,000 for “In Bloom”
- more details were required of the spending actually needed
- there was a 5% underspend this year; it may be 10% next year if commitments were not clear enough at the start of the year
- the budget represented “picking figures out of the air”
- was there a consensus for raising the precept?
- increasing reserves was not a good enough reason to increase the precept

- given past underspends, the precept could be reduced by £20k
- members needed to consider the effect of increases on Council Tax payers
- ALCC's population was approx. 17,000 but not everyone paid Council Tax
- the effect of an increase, on those who did pay, was greater
- some members had not been happy with an increase last year and were not happy with another increase this year
- if members wanted to reduce the budget, they would have to decide what not to do
- for example, money did not have to be provided for shop local initiatives
- the Shop Local Working Group had agreed to ask for more in next year's budget
- members submitted spending ideas because they were asked to do so
- the public were not happy with a further increase in the ALCC budget
- the Business Forum wanted more money for shop local initiatives; more events would bring more people into Abertillery
- £20k had been budgeted last year for extra staff, but that had not been spent; it had gone into reserves instead
- effectively therefore this was a proposal to increase the budget, to increase reserves
- considerably more than £20k was being spent on additional youth workers
- the figures presented last year were also "plucked out of the air"
- ALCC had surveyed the public, and the public had said they wanted more services and were willing to pay more for that
- ALCC had to be prudent with money, spend wisely and also increase its reserves
- why was it necessary to have reserves?
- why did ALCC pay £40 to the Information Commissioner's Office (ICO) every year?
- how many members claimed a members' allowance?

Councillor Oakley replied (during the questions/comments session above) that:

- setting the budget was a learning process
- end of year spending figures were not available when the new budget had to be set
- the new financial accounting system would help with more up to date information
- "In Bloom" costs were a guess but getting accurate information from outside sources was not easy
- if ALCC reduced its budget, it would need to decide what to stop doing
- the £20k for extra staffing costs had gone into reserves
- members had submitted their proposals for greater spending, which were reflected in the budget
- if members did not want a budget increase, any new spend would have to be removed from the budget (e.g. £10k for shop local initiatives)
- shop local initiatives benefitted the whole of the area, not just Abertillery
- members had their differences, but the Council was delivering very well overall
- no complaints had been received last year about the increase in Council Tax
- the increase proposed represented approx. 35p more per person per year
- not everyone paid Council Tax, but everyone wanted the benefit of better services
- the budget needed to go up by inflation every year, or services would slide back
- if members received complaints from the public, they needed to let ALCC know
- ALCC had to build up its reserves in line with Government guidance, to pay for any unforeseen spending such as employment tribunal or court costs
- having adequate reserves was a legal requirement

- the local community now had a well-run, well-financed Council, which it deserved
- the Council needed a proper precept, to continue the good work
- reserves should be 25% to 50% of the budget; the Welsh Government guideline was a minimum of three to six months' budget, which ALCC did not yet have in reserves
- reserves should not be too high (e.g. 100% of the budget) as that meant Council Tax payers paying to increase council bank balances, not improve services
- many councils were increasing reserves, expecting asset and service transfers.

The Deputy Clerk responded to other questions and comments:

- ALCC was building its reserves; they were nearly 25% of the annual budget now
- too much reserve was as bad as too little, in the eyes of external auditors
- some things had been ringfenced within reserves (e.g. external auditor costs) so the purpose of having reserves, and what they may one day be spent on, was clear
- generally however, unallocated reserves were needed for unforeseen spending
- paying the ICO was a legal requirement, because the Council held personal data
- only 4 members currently claimed a members' allowance of £150, but ALCC had to budget for 19 allowances, as 19 members could choose to claim it next year
- £1,500 was not now needed for printer rental costs next year.

Councillor Oakley again moved that Council agree £240,041.52 as its budget and precept for 2020/21. He stated that he was moving this amount deliberately, as any underspends (on printer rental for example) could then go into reserves at the end of the year.

The Chair put the motion to the vote. 6 members voted in favour of the motion. 6 members voted against the motion. 3 members abstained.

The Chair sought advice on how to proceed, given the equality of votes.

The Clerk advised that some members appeared to be unsure on how (and whether) they should vote. The vote had been inconclusive. Whether sufficient debate had taken place was a matter for the Chair to decide. If the Chair and members wished to do that, the budget could be debated further, as extra discussion may help people make up their minds.

Members agreed to debate the budget further. The following main points/questions arose:

- the increase proposed this year was approx. £6k, or 2% of the budget
- the budget made no mention of increasing reserves
- how would the public respond to this increase?
- the budget had more than doubled last year
- many people commented on social media that they were not happy with Council Tax going up again
- people did not see it as "only 35p more per year"
- increasing the budget by inflation was normal
- BGCBC also raised Council Tax by inflation every year
- ALCC was doing a lot more now than it had done in years gone by, for example providing defibrillators in every local community, paying for detached youth workers and paying for food for young people who did not otherwise eat
- more money was needed to make all this happen

- costs went up with inflation every year, so inflationary rises were not a problem
- if members did not understand what was being spent on what, they could ask for more information at any time.

Councillor Oakley responded (main points) (during the above exchange):

- there would always be some people who were opposed to any increase
- ALCC however needed to provide for all communities and people
- the work ALCC was doing around youth services for example was vital
- that work led to reductions in anti-social behaviour for everyone
- it was a statutory requirement to have adequate reserves
- ALCC was doing its best for communities
- too little funding would lead to fewer services
- the increase last year had equated to approx. £13 per house per year
- this had paid for defibrillators, youth workers, food for young people and other things
- did members wish to take those things away?

Discussion ensued on whether members were ready to vote again. A member argued that this was not possible, as a vote had already been taken. Council agreed, on a motion from Councillor Phillips, that a further vote be taken.

Councillor Oakley again moved that Council agree £240,041.52 as its budget and precept for 2020/21.

The Chair put the motion to the vote. With 9 members voting in favour, 2 voting against and 4 abstaining:

Council RESOLVED: to agree £240,041.52 as its budget and precept for 2020/21.

181. 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.

Councillor Phillips left the meeting at this point.

182. FINANCIAL RISKS: PAYMENT OF PRECEPT AND BANK ACCOUNTS

The Deputy Clerk stated that he would report in further detail to the Council next week on these issues. For now, there was an identified risk that, if the Council's bank collapsed, any funds in excess of £85,000 held with that bank could be lost. If Natwest collapsed however, the whole of the UK would be affected. This was very unlikely. To mitigate this risk, he would recommend to Council next week that it ask Blaenau Gwent CBC to pay the precept in quarterly instalments (not one annual lump sum) in future and that ALCC place its reserves with a different UK bank (e.g. Lloyds or the Post Office) going forward.

This was a situation report in the meantime.

Council RESOLVED: to note the report.

The meeting ended at 9.05pm.

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