

MAGOR WITH UNDY TOWN COUNCIL MAGOR GYDA CHYNGOR TREF UNDY

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Extraordinary Meeting of Monday 02nd December 2024

Draft Minutes of meeting of Magor with Undy Town Council held at Magor Baptist Church and remotely via Zoom at 1900 hours Monday 02nd December 2024

Magor with Undy Town Council	In attendance / Apologies-Absent
Deputy Mayor, Cllr Frances Taylor (Chair)	In Person
Cllr Paul Cawley	In Person
Cllr Victoria Hammett-Johnson	In Person
Cllr Dr Mario Bisi	In Person
Cllr M James	In Person
Cllr D James	In Person
Cllr Neeta Baicher	In Person
Cllr Catherine Baker	Remote attendance via ZOOM
Cllr Penny Kirkham	Remote attendance via ZOOM
Mayor, Carole Hopkins	Apology for absence
Officers	
William Lewis – Clerk/RFO	
Rachel Jones – Business Support and Projects Officer	
County Councillors	
John Crook	
Public attendance	
In Person	Two
Remotely via ZOOM	Fluctuated during meeting Max of 16

The Chair checked that sound quality was good for all online and in the room prior to the meeting commencing.

PUBLIC OPEN FORUM

Representation from public attendees (in person) brought the following matters to the attention of the Council:

A member of the public in person in attendance expressed an interest in agenda item 5.1.

109

Chairs Announcements

109.1

To receive apologies for absence from Councillors.

Received as above.

110 **Declarations of Interest**

- 110.1 To receive any declarations of interest in items on the agenda.
Cllr D James and Cllr M Bisi in relation to agenda item 6.1.

111 **Correspondence**

- 111.1 To note and agree that correspondence relative to agenda items has been received by Council Members.

Agreed

112 **Undy Play Park – Skate Park. Leasehold.**

- 112.1 To receive a report from the Clerk referring to the leases and
- I. to progress with a leasehold agreement between Magor with Undy Town Council and Undy Athletic Football Club and
 - II. if necessary to support Undy AFC legal costs in respect of leasehold arrangement.

Cllr F Taylor provided background details regarding the leasehold of these parcels of land.

Cllr D James expressed support to expedite the process, that was concern that from Undy AFC regarding liability if someone were to get hurt on the play area.

The Town Clerk informed the Council that conversation has been had with Monmouthshire County Council and Undy AFC and confirmed that the Council remain responsible for Undy Play Park during this process and that Council insurance covers Undy Play Park.

Cllr F Taylor suggested that Council set aside £1k to support Undy AFC with legal costs for arrangement of leasehold between themselves and the Council if required.

Cllr D James Proposal: To proceed with arranging a lease hold agreement between MUTC and Undy AFC expeditiously. Seconded by Cllr M Bisi.

Cllr Frances Taylor Proposal: Council set aside £1k to support Undy AFC with legal costs for arrangement of leasehold between themselves and the Council if required. Seconded by Cllr D James

Resolution

To progress the leasehold arrangement with Undy AFC and provide financial support to Undy AFC up to £1000 for legal fees (if required) from Professional Fees Budget.

Power to spend: Local Gov (Misc Provisions) Act 1976 s.19 / Open Spaces Act 1906 ss 9 & 10

113 **Waiver of six-month Councillor attendance rule.**

- 113.1 To agree that the period of 6 months absence from Council Meetings permitted under section 85 of the Local Government Act 1972 is extended in respect of the absence of Town Council Mayor, Cllr Carole Hopkins.

Summarisation of Debate

Cllr Mike James: Noted the reduction in Councillor numbers from 13 to 10, since the boundary review. The Mayor has been absent over the last 6 months. It is difficult to get enough councillors or working groups, for example. Was pleased with the performance of the mayor to date but felt that Council could not continue to cover the absence for much longer.

Cllr Neeta Baicher: Declared that this was a difficult topic but feels the problem is that any absence causes increased responsibilities of the remaining councillors. Cllr Baicher questioned whether it was right to receive the prestige of being the mayor without putting into effort. She felt that there is prestige and kudos with the office of Mayor and Deputy Mayor and that effort because of so many reasons had not been put in and that's not acceptable. The law says this as

well. We need to have a regime where honesty and integrity is required of councillors and called into question. Councillors following their principles, would long ago have done what is right for the council and community, and resigned because they are not carrying out the obligations they were elected to fulfil.

Cllr Donna James: Declared that she is totally sympathetic with the mayor's current situation but there is a need to consider the wider implications. The term of office as a Mayor is 12 months, and unfortunately the mayor has been absent for half of that term. In considering any decision council must be unemotional and objective. Council must consider the implications in the reduction in the number of councillors from 13 to 10 following the boundary reviews. That the mayor is a pivotal in playing a key role in the decision-making process and provides leadership to the whole community.

Comment from the Clerk – William Lewis: Confirmation was given that the last meeting attended by the Mayor to was the 10th of June. The reason for absence of the Mayor was ill-health caused by Covid Virus contracted shortly after the last meeting attended which meant that the Mayor was unable to attend any Council meetings. However, the Mayor maintained her role as line manager, conferring by telephone almost daily up to a point in September when she was admitted to hospital. At this point her duties were cascaded down to the Deputy Mayor.

Cllr Hammett-Johnson: felt that the Mayor has been a font of knowledge and strength for her during her own relatively short time as a member of the Council up to the point where she was taken into hospital. That she would be minded to extend the Mayor absence, That the Mayor is an integral part of the team. On the matter of attendance at working groups., it is often the same people that attends the working groups while other members of the Council attend meetings but are not in any of the working groups and are not involved outside of attending meetings. That the request for absence should not be wholly measured on attending meetings, but on the Mayors whole contribution which has been significant. I would like to support the waiver and extension of absence.

Cllr Penny Kirkham: I would like to agree with the sentiments expressed by Cllr Hammett-Johnson and was also be minded to approve an extension, to allow the Mayor to recover and make up her own mind. She added that there was precedent for Council to approved extended absences. in 2014 a Councillor had an absence of 10 months approved, and prior to that another member had been absent for 7 months.

Cllr Catherine Baker: agreed that the Mayor has done fantastic work. However, the Mayor has been unwell for a period, and it is a shame that she's not been with us for these last few months. However, extending the period of absence is a concern as it is lot of pressure on the Mayor if she's not well enough right now to come back to meetings. The main priority is just for the Mayor to get well and for Council to have a good, focused lead.

Cllr Paul Cawley: Declared that he wished to re-iterate actually reiterate the comments of Cllrs Kirkham and Hammett-Johnson and in his view the Mayor had greater knowledge of the community that the rest of the Council combined. He then referred to the legislation under which Council are permitted to consider extending a member's absence indicating that it only applied 'with good reason'. He stated that being hospitalised would appear to qualify as a good reason for not attending a meeting of the Council. He proposed that Council should agree to extend the period of absence until March 2025.

Cllr Mario Bisi: referred to the guidance provided by the Clerk from One Voice Wales where the guidance is that Councils should not cut corners. That attendance at events is while important, is no substitute for participation in council meetings and in decision taking. He recognised that the Mayor does things behind the scenes, and unofficially, according to legislation, she's been

working while she was ill. He drew further reference from the OVW guidance stating you can take ill health as a valid reason for non- attendance, but it also stipulates that Council should minute and vote on absences and not just recording them as apologies for absences. He added that in relation to this matter he was on the fence thus undecided but agreed with Cllrs Donna James and Neeta Baicher the decision to be made should not be personal but what is best for Council.

Cllr Frances Taylor (Chair): Declared her thanks to the views of adding that the legislation does allow us to approve of the reason for non-attendance provided that the approval is given before the expiry of the 6-month period. Whilst this the legislation does pertain to attendance at formal meetings of council it doesn't talk about is the work that happens outside of formal meetings of council, and that, could be argued that the number of hours put in by members in their respect roles including Councillor Hopkins, is far greater outside of the formal meetings of Council. Whilst Councillor Hopkins couldn't attend for reasons of being very unwell, with a severe Covid infection she remained active up until the period when she was hospitalised and concurred that being in hospital is probably a very good reason for absence from formal meetings.

Cllr Taylor proposed, having heard all the representations by members that Council waiver the 6-month attendance rule and agree to approve the reason for non-attendance and extend the six-month period. The Chair informed Council that Councillor Hopkins has communicated to her that she anticipates making a full recovery which will enable her returning to council business at the earliest opportunity. Councillor Hopkins has been instrumental in building a team within the council and providing support for staff. This was seconded by Cllr Cawley.

There ensued further debate and discussion among members.

The Chair referred to the proposal and requested that members vote on waiving the six-month rule and allowing an extension of the absence of the Mayor from attendance at meetings.

All members in attendance voted

Resolution

By a vote of 5 to 4 Council determined not to waiver the six-month rule (Local Government Act 1972 s 85) to extend the period whereby the reason for the absence of the Mayor from Council Meetings might be agreed and her period of absence extended.

114 **Audit Wales – Additional Fees 2018/19 Audit**

114.1 To receive an update regarding additional fees invoice charged by Audit Wales in respect of their Audit of Magor with Undy Community Council for year 2018/19 and the Public Interest report.

The chair introduced an update in regard of the invoice for additional fees charged by the Wales Audit Office. On the 12th of December 2022, an email was received from Audit Wales for with an invoice for £21,570, payable for “additional work” in respect of the audit of Magor with Undy Community Council for the year 2018-2019, and the subsequent report in the public interest.

At that time the responsible financial officer, the Mayor and councillors were appraised of the invoice, and we were not comfortable in making a payment until there was clarity on what exactly the invoice was for.

Over the ensuing months we have sought clarification on the breakdown of those costs.

The final pieces of the jigsaw have been received from Audit Wales. The Clerk is preparing a report and was hoping to have brought it to this meeting. Subject to capacity the clerk is hoping that we will be able to bring this to the next practicable ordinary meeting for discussion and resolution. Council will be able to have full discussion about the options in respect of the fee. You will be aware that the invoice is showing in our accounts as an accrual at the present time. For your information, because this has taken a long time for us to resolve, and for audit Wales to provide

us with the relevant information. Audit Wales have also confirmed that they are not charging us any interest on the outstanding fee for the period.

Under the stewardship of the Mayor, Cllr Hopkins, it was felt to be right and proper, that we did not pay the fee until we were clear what the fee was for.

Cllr Bisi expressed thanks and acknowledged that this will have involved a significant amount of work for the clerk. Cllr Bisi felt that this would particularly be the case as he would be picking this up as a new clerk.

Cllr Kirkham: Asked for clarification as to whether the report that the clerk is going to present to Council would include a breakdown of how the costs were made up. It was hoped that it would be ready for this meeting, however I appreciate that a lot of work has been undertaken. It would be helpful that the report contains reference to how the overall costs were built, the process of the audit and the clearance and not simply the number of hours overall. The process in conducting the audit, and then the process that followed that in respect of queries that were raised repeatedly. The whole process where costs were accrued which amounts to public money that Council will have to spend. Cllr Kirkham requested a timeline.

Clerk – William Lewis: Members were informed that the final piece of information came from Audit Wales just recently. In respect of the breakdown and the costing involved, and how that figure of £21,570 was charged. The information was not received in time so that a report could be prepared earlier. The intention is to bring it to the full council meeting of the 9th of December, and it will be comprehensive as I can be made so that council have a clear picture of the enquiries undertaken and engagement with Audit Wales over the last two years

Cllr Donna James: Announced that she and Cllr M James had attended a SLCC training event the previous week, where a similar issue was brought to the attention of attendees. The Clerk had been trying to find out if any other Councils had the same issues. Cllr James advised that at that training session a very small Council had been billed £16,000 for an audit. The WAO officer who was presenting at this training event commented that the fee structure for audits had changed in 2016. The fee will have to be paid, Council was made aware of the fee structure.

Resolution

The item was an update only and this business shall be included on the agenda of Ordinary Meeting of Monday 09th December 2024, subject to the requisite report being completed.

115 Finance

115.1 To agree to vire £2,715 from Professional Services budget and £5,000 from Community Services Project into the Grants and Donations Budget.

MUTC has received an increase in grant applications – the increase would allow some budgetary provision for the remainder of the year. If the virements are agreed the remaining Grants and Donations budget would amount to £5,000 for the remainder of the financial year.

Proposal: To vire £2,715 from Professional Services Budget and £5,00 from Community Services Project into Grants and Donations

Proposer – Cllr M Bisi and Seconded by Cllr M James.

Resolution

To vire £2715 from professional services cost centre and £5000 from the community services cost centre/budget into the Grants and Donations cost centre/budgets and arrange virements of stated amounts as proposed.

Multi Use Games Area (MUGA) Portacabin

To receive Clerks report and agree actions necessary.

During this debate Cllrs Bisi and Cllr Baker declared a non-prejudicial interest

The Clerks report, its implications and issues of the Portacabin in respect of its condition, removal and replacement were debated in detail by members with contribution also from a member of the public in physical attendance.

Resolved

To proceed with the resolution 68.1 agreed at Extraordinary Meeting of 27th July 2022 to encourage and promote greater use the facility having due regard to the works identified in the report of the Town Clerk and subject to pre planning advice regarding any requisite planning consent of Monmouthshire County Council Planning Department.

116 **Sycamore Lane – re-surfacing**

116.1 To receive complaint from a resident and details of initial enquiries conducted by the Clerk regarding the condition of the surface of the lane and agree actions necessary.

This agenda item was debated in detail by members with contribution also from a member of the public in physical attendance.

It is acknowledged has budgetary provision of £15,500 for remedial work of Sycamore Lane which may no longer be sufficient to complete the task which would mean to complete the task of resurfacing this road having due regard to sustainable drainage and flood risk assessment meaning that budgetary movements will be essential.

Debate also considered the matter of how it impacted upon the work required in respect of the removal of and replacement of the Portacabin.

The immediate issue of a risk to health and safety of residents and of pedestrians because of flooded potholes and a poor state of repair of Sycamore Lane was discussed.

Proposal: That the Clerk shall progress arrangements for a sustainable solution in respect of a project for re-surfacing Sycamore Lane and more immediately will attend to reparation of the lane regarding potholes. Proposer Cllr Hammett Johnson. Seconded by Cllr Bisi and unanimously agreed. Proposal carried.

Resolved

To progress arrangements for a sustainable solution in respect of a seeking quotes for re-surfacing Sycamore Lane. In the interim to make urgent arrangements following the clerk's assessment that the condition of the lane poses a health and safety risk, for urgent remedial repair to the potholes on Sycamore lane in line with financial regulation 4.5. To allow the clerk and RFO to authorise revenue expenditure on behalf of the Council which in the RFO's judgement it is necessary to carry out. This expenditure will be notified to the chair and reported to council as soon as practicable thereafter.

117 **RDLP – Dancing Hill and Langley Close**

117.1 To note that MUTC's submission to the RLDP to protect existing amenity land as a Candidate site for protection has been given little or no consideration. The Council's application was supported by planning consultancy reports commissioned by MUTC. It is suggested that the council agree to seek further support from Andrea Pellegram Planning Consultancy for the drafting of a consultation response and to make necessary budgetary provisions for this from the professional services budget,

There was extended debate between members of MUTC with contribution from County Councillor John Crook and a member of the public in person.

The following proposals were considered:

Councillor M James: NOT to engage a planning consultant because no consideration to previous consulting reports had been included in the RDLP and was not best use of public money. Seconded by Cllr D James and carried by show of hands.

Cllr Catherine Baker: We give short reply, reiterating that we maintain our position that our green and open spaces need protection from development. The Council has had a great deal of consultation with residents over the last 6 months who feel that the amenity space in the area is very important and should be protected.

Resolution

To not request the services of Andrea Pellegram Planning Consultancy for drafting of a response to the RDLP consultation.

To submit a very brief statement of support with reference community engagement during the last six months about open space and the use of open space the enjoyment of the use of those spaces.

118 Business Support and Projects Officer Appointment 20/05/24

118.1 To note that the Business Support and Projects Officer has successfully completed the probationary period following appointment to the role and that tenure as a permanent member of staff of Magor with Undy Town Council is confirmed.

Resolution

Noted by members and congratulations were extended.

119 Festive Décor and Lighting

- 119.1
- I. To receive a request for provision of festive decoration/lighting at Magor Square consequent to the fire resulting in temporary closure of the Golden Lion which has impacted upon amenity and vibrancy of Magor Square.
 - II. To note that this request may be accommodated with the existing budgetary provision and to agree actions necessary.

Members were requested to consider some provision of festive lighting outside the Golden Lion Public House, Magor Square which has been closed for several weeks following a fire at the premises. As a result, that side of the square seems dark, uninviting and lacking festive cheer.

Members had discussion about the previous resolution for provision of Christmas trees. Some members felt that this was not in line with the Council's resolution to purchase 3 trees. The chair clarifies that providing some additional festive items in the square does not negate the motion, it is simply a response to a further request of the Council. It was not about supporting a singular business but about supporting a festive atmosphere in Magor Square which has been diminished, particularly at night due to the very sad fire damage to the Golden Lion.

Proposal by Cllr Hammet-Johnson: The office shall investigate for the provision of a small Christmas Tree with battery-controlled lights or similar. Seconded by Cllr Cawley. Carried by a majority. It was noted that this can be accommodated within existing budgetary provision.

During the debate about this business at 20:58 the Chair requested agreement to suspend standing order 3.3v to enable completion of business to be transacted.

Resolution

Officers shall implement the proposal limited to a cost of between £150 and £200 for the provision of a Christmas Tree and lighting to be erected on the nearside of Magor Square.

21:02

Hours

This extraordinary meeting was concluded