

www.twitterMain points arising: Questions to the Mayor/ Town Council precept for 2014/15/ Civic Hall/Library integration/ Town Council's Standing Orders/ Twinning Association of Poynton (TAP)/ Membership of Planning and Environment Committee/ Tribute to Ex-Cllr John Barber

MINUTES OF THE TOWN COUNCIL MEETING HELD AT 8.00PM ON MONDAY 13TH JANUARY 2014 IN THE COUNCIL CHAMBER, CIVIC HALL, POYNTON.

PRESENT

Chairman: Town Mayor Cllr G Bartos

Cllrs: M Beanland, L A Clarke, C Gorst, I Hollingworth, Ms R Horsman, Mrs S Horsman, P Hoyland, G King, B Lewis, Mrs J Saunders, Mrs J Sewart, A Smith, G Smith, I Thornton-Maddocks and Cllr R E West

71. Questions to the Mayor

"Mr Mayor,

I am Tony Hall, 23 Lindisfarne Drive, Poynton

My question this evening follows on from the question asked by Mr Adrian Roberts just prior to the meeting of Full Council on 25th November 2013. It concerns the spending to date of the £100,000 PTC contribution to the Poynton Village Revitalisation Scheme. For the record I will say that other than listen to Mr Roberts on 25th November 2013 I do not know him at all and have never communicated with him at any time.

During his verbal response to Mr Roberts Cllr Murray said that a breakdown of PVRS costs had been considered at a meeting of F&GP as recently as 23rd September 2013. Either Cllr Murray was mistaken or the minutes of that meeting are seriously lacking as they make no mention of any discussion. In fact I had to go back to the minutes of the F&GP meeting on 18th June 2012 to find any reference at all. Certain councillors will recall that I was a councillor and member of F&GP at that time and that I had raised a point when a schedule of Poynton PVRS expenditure had been considered at an earlier meeting. **My recollection is that the printed schedule of PVRS expenditure was retrieved from all councillors before they left that meeting.** I don't know why we all agreed to this and I would like to see that schedule again and the minutes of the meeting at which it was considered. I believe I am entitled to see this recorded information under the Freedom of Information Act. If this information is not recorded then that may be another issue to be raised at a future date.

It occurs to me that there is too much secrecy and no transparency over what expenditure has been incurred and when. On 25th November 2013 Cllr Murray said so far £60,000 has been allocated out of the £100,000. This surprised me as my recollection is that this is not much more than the schedule showed in early 2012. Cllr Murray also said that £10,000 had come back to pay for the Clerk and the previous Operations Officer. I would like to see precisely what amounts have been allocated so far to the scheme and to what areas of expenditure.

Of particular concern is the £10,000 that has come back to pay for the Clerk and the previous Operations Officer. It is one thing that notional salary costs and overheads are attributed to schemes but I was also chairman of M&E when the clerk first brought to the council's attention the fact that he had worked more than his conditioned hours (due to his involvement with PVRS) and built up a significant amount of working hours for which he would be seeking TOIL. I was copied in to an email from Cllr Hoyland dated 19th August 2011 saying the Clerk had agreed to accept payment in lieu of these hours. What was the amount he received, when was it paid and how was it paid? If nothing was ever paid to the clerk why was it not? I ask the same question about similar payment or non-payment to the Operations Officer at that time."

Mr Hall said he appreciated given the length and breadth of his queries it would be difficult to answer fully at this meeting and requested a full reply in writing within an appropriate period of time.

Cllr Gorst explained that an account of the money spent so far on PVRS was given at the F&GP Committee meeting in both April and June 2012. The record shows that Councillors at the time commended the Steering Group on the way the money had been spent. Since that date only two large items have been allocated against that Scheme. One is for the resin bonding. Cllr Gorst explained that this item is 'commercial in confidence' because of the sensitivity of the payments. This has not yet been paid because the Steering Group need to be satisfied that the work has been done to an acceptable standard. The second is the Clerk and former Operations Officer's time spent on the scheme. The payment was not an additional payment to the Clerk. The Clerk's salary is as approved by Local Authority Regulations. The amount allocated to the Scheme has been offset against the reserve of £100,000.

Cllr Lewis asked if money in lieu of extra hours has ever been paid to the Clerk or has it just come out of another pot. He added that Cllr Hall's request for a reply is taken as notification under the Freedom of Information Act and that he does need to receive a reply.

The Clerk explained that from his recollection there were two occasions when the Town Council decided they would buy out the Clerk's Time Off In Lieu (TOIL) because it was impractical for the Clerk to take that amount of additional leave.

Cllr Lewis said his recollection was that after the first payment was made the Clerk was directed by Council to ensure that he didn't accrue more TOIL in future.

Cllr Hoyland on a point of order and concern noted that the Town Council's Standing Orders do make reference to matters relating to the pay and conditions of Town Council staff, and whilst no one is stepping aside from accounting for funds this matter is potentially personal to the Clerk and would normally be a Part B item. Cllr Hoyland asked for this to be considered.

Cllr Lewis said his question about payment to the Clerk still stands.

Cllr Gorst explained that the Clerk spent time on the PVRS scheme. This was in addition to his normal hours for Council business and special payment is required for his time on the Scheme. This was agreed by the Steering Group and the Town Council. Cllr Gorst recalled that Cllr Lewis was in favour of this at the time. The Clerk has not received any additional monies other than his normal salary but instead of the amount of time he spent on the Scheme going against the Town Council precept directly it has gone against the £100,000 PVRS reserve.

Mr Hall appreciated the verbal feedback but said that in his opinion none of this is recorded in the minutes of the meetings that he has accessed. Mr Hall suggested that the remaining £40,000 should now be put back into the Town Council to save money. Mr Hall did not accept Cllr Gorst's explanation. Allocating part of the Clerk's time and overheads to a project would be normal commercial business but - Mr Hall referred to an e-mail received from Cllr Hoyland dated 19/12/2011 – *"I understand that a budget has been set aside to pay for details and as it is impractical for Malcolm to take the time off he has agreed to accept payment in lieu of this if it is acceptable."* Mr Hall said that he cannot accept a verbal response because he does not feel it is supported by any minuted items that he can find.

Cllr Clarke said that any extra payments to the Clerk may have been approved through the M&E committee. He therefore suggested that Mr Hall peruse those minutes and find that the relevant information is contained therein. Cllr Clarke added that in his personal opinion the Town Council would be helped greatly if a direct summary of the £100,000 allocation, spending, and remaining funds were provided and sent to all Councillors to ensure they are aware of what has been happening. This would stop the constant questioning and innuendo and there is no reason this cannot and should not be provided.

The Mayor confirmed that the Clerk will respond in writing to Mr Hall.

Cllr Hoyland reiterated that there are elements of this matter, in relation to an individual's pay and conditions and he was not sure that the Town Council should be expecting an individual to respond to questions in relation to these matters. The Mayor said that this was in relation to the question raised by Mr Hall and felt that the Town Council needed to respond to it.

72. Apologies for absence

Cllrs H Murray and M C G Sewart

73. Declarations of Disclosable Pecuniary or Other Interests

In order for members to participate in the debate and vote on the precept there is a collective request for dispensation signed by Councillors last year which is valid until May 2015. Without that dispensation “the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business to follow”.

The Clerk said that the only remaining signature required is that of Cllr Lewis, if he intends to participate in the debate and vote on the precept. Cllr Lewis signed the required paperwork.

74. Minutes of previous meetings held on 25th November and 2nd December 2013

Town Council meeting held on 25th November 2013

Page 149 – Cllr Lewis referred to Mr Adrian Roberts of 28 Swan Close and asked if he had received a reply to his enquiries, and asked if so why Councillors had not received it. The Clerk confirmed that Mr Roberts has received a reply dated 31st December 2013. The Clerk had redacted copies available for Councillors if required. Cllr Hoyland proposed that copies of the response are provided to all Councillors at this meeting, which the Clerk did.

RESOLVED: That a redacted copy of the response to Mr Roberts of Swan Close is circulated to all Councillors at this meeting (NC)

Cllr Lewis noted that one of the questions he had raised at the last Town Council meeting was in relation to the allocation of the Town Council’s PVRs contribution of £100,000. This was to receive the original minutes from the meeting where the £100,000 was approved, and he asked for this to be made available to all Councillors. The Clerk was asked to distribute this to all Councillors.

Page 159 – Cllr A Smith raised his concern in relation to the Mayor’s Announcements where it mentioned that the Town Council had been brought into disrepute in relation to the Twinning Association’s 10th anniversary. Cllr A Smith said it was important for Councillors to have sight of the correspondence with Erd so that they were able to address this issue as required.

RESOLVED: That the Mayor will forward to all Councillors copies of the correspondence in relation to the allegations that the Town Council had been brought into disrepute (NC)

Resumption of the Town Council meeting on 2nd December 2013

Page 165 – Cllr Lewis noted that has not yet received an apology from Cllr Murray.

RESOLVED: That the minutes of the Town Council meeting held on 25th November 2013 and of its resumption on 2nd December 2013 be approved as an accurate record (14, 1 abs, 1 against)

75. Mayor's announcements

The Mayor attended the official opening of the emergency services hub on School Lane. He thanked Councillors who had attended the event. The Mayor was on leave during most of December 2013 and he thanked the Deputy Mayor, Cllr G King for assisting with Mayoral engagements and duties during this time.

76. Town Council Precept for 2014/15

Cllr Gorst presented the recommendation from the Finance and General Purposes (F&GP) Committee regarding the proposed Town Council precept for 2014/15 for consideration. The F&GP meeting had unanimously agreed the recommendation. Cllr Gorst outlined the services that are charged for under the Town Council precept. These included two play areas, the Youth Co-ordinator, the Adult and Health Wellbeing Co-ordinator, the upkeep of the Civic Hall and facilities including accommodation for CAB, the part funding of five PCSO's who provide excellent community support, the village handyman to keep the village tidy, the Operations and Events manager who has a multitude of tasks, the maintenance of the two Inclines, additional street lighting and gritting of such areas as Anson Road and Waterloo Road which do not qualify under Cheshire East's criteria. These services would be provided for the equivalent of £1.14 a week for a Band D household from the 1st April 2014. Cllr Gorst recommended to the Town Council a precept of £340,629 for 2014/15.

Cllr Lewis asked if five PCSOs were required and mentioned an alternative arrangement with four PCSOs and a parking enforcement person for Poynton.

Cllr Mrs Saunders explained that this has been subject of much debate which had been thoroughly considered. A fifth PCSO is required because there are occasions during peak periods where due to holidays, rotas and sickness there are not always two PCSOs on duty. The figures for anti social behaviour demonstrate that this is a very worthwhile spend of the Town Council's funds.

Cllr West agreed with Cllr Mrs Saunders and added that not all issues can be debated again in detail. This would have been taken into consideration at each Committee meeting.

RESOLVED: That the Town Council Precept of £340,629 for 2014/15 is approved (15 - 1 against)

77. Civic Hall/Library Integration Project

Cllr A Smith provided a summary of his written update on the Civic Hall/Library integration project. Cllr A Smith confirmed that the project is being run very well by Cheshire East. It is still early days in the project but he is very impressed by the attitude and commitment of the people involved. Cllr A Smith confirmed that he will continue to report to each meeting of the Town Council.

Cllr Lewis asked what taxable services do Poynton Town Council make and does this take them over the VAT registration limit. Cllr Gorst explained that Local Government Finances is a specialised area and the Town Council have a professional accountant who assists the Clerk in these areas. According to the accountant it is optional whether the Town Council register or not and can recover the input tax which is charged to the Town Council on the amount made. Cllr Lewis said this was only if there was a charge on the VAT on the services the Town Council supply. Cllr Lewis asked the Clerk to obtain an answer from the accountant.

Cllr Clarke explained that room hire is a taxable area. In agreement with Cllr Gorst, Cllr Clarke added that this has been investigated with the Town Council, Cheshire East's Finance Dept. and our accountant. Not only is local government finance different from company finance, local government and VAT are different too. The Town Council are following professional advice and he is sure the Clerk can supply information on this if any has been provided to the F&GP Committee to date.

RESOLVED: That the written update from Cllr A Smith on the Civic Hall/Library integration project is received (15 - 1 against)

78. Town Council Standing Orders

Cllr Mrs Sewart proposed that the series of revisions/additions to the Town Council's Standing Orders (as recommended by the Management and Establishment Committee on 5th November 2013, and deferred from the resumed Town Council meeting of 2nd December 2013) are accepted and approved by Poynton Town Council with immediate effect.

Cllr Mrs Sewart explained that those Standing Orders in bold type are a statutory requirement. The remainder of the Standing Orders (i.e. those not in bold type) are a specialised set of rules devised over many years. These are to give Council guidance to ensure the proceedings are conducted lawfully and in a manner that is democratic, and enables the Council to function effectively for the benefit of the people of Poynton. Statutory sections of the Standing Orders cannot be changed except by the law of the land. The

specialised set of rules determined by Poynton Town Council can only be changed by a two thirds majority of the Town Council.

Members considered the draft copies supplied. Cllr Mrs Sewart highlighted and explained the amendments.

Cllr West thanked Cllr Mrs Sewart for the hard work in updating the Standing Orders.

Cllr Lewis – Page 6, 5.1, five lines down requested that “called” is changed to “held” in 7 days. Cllr Mrs Sewart asked the Clerk if 7 days provides sufficient time to distribute paperwork required for a meeting. The Clerk said that the summons would need to be issued with three clear days. Cllr Hoyland urged some caution in changing to “held” if for instance there was difficulty in convening members at a suitable time. Following further discussion on this issue Cllr Mrs Sewart suggested that it would be reasonable to make a change to read, “call within 7 days and hold the meeting within 14 days”. Cllr Mrs Sewart proposed this as an addition to her original proposal. Cllr Clarke seconded the proposal.

Cllr Lewis said that he did not think this was within the remit if SO 5 is a statutory requirement, it says “within 7 days”, so legal advice on the Local Government Act and its interpretation and not ChALC advice is required.

Cllr Mrs Sewart clarified her proposal, that the series of revisions/additions to the Town Council’s Standing Orders are accepted and approved with the addition to SO 5.1 of the sentence, “meetings to be held within 14 days” with immediate effect.

RESOLVED: That revisions/additions to the Town Council’s Standing Orders are accepted and approved, with the addition to SO 5.1 with immediate effect (15 - 1 against)

79. Appointment of a Town Council representative on the Twinning Association of Poynton (TAP) Committee

Following Cllr G Bartos’ resignation as the Poynton Town Council representative on the Twinning Association of Poynton (TAP) Committee members considered the appointment. However, with no volunteers forthcoming it was proposed that consideration of appointment of a Town Council representative on the Twinning Association of Poynton (TAP) Committee is deferred until the Annual Town Council meeting.

RESOLVED: That the consideration of appointment of a Town Council representative on the Twinning Association of Poynton (TAP) Committee is deferred until the Annual Town Council meeting (NC)

80. Adoption of the Minutes of Standing Committees

RESOLVED: That the minutes of the Finance and General Purposes meeting held on 28th October 2013 be received and adopted (15 - 1 abs)

RESOLVED: That the minutes of the Facilities, Infrastructure and Economic Development meeting held on 4th November 2013 be received and adopted (15 - 1 abs)

RESOLVED: That the minutes of the Management and Establishment meeting held on 5th November 2013 be received and adopted (15 - 1 abs)

Cllr Clarke proposed that the minutes of the Planning and Environment meeting held on 11th November 2013 be received and the resolutions therein adopted by the Town Council.

There was an amendment to the Attendance – Cllrs Lewis and West were not present.

RESOLVED: That the minutes of the Planning and Environment meeting held on 11th November 2013, with the amendment to the attendance, be received and adopted (15 - 1 against)

Cllr Clarke proposed that the minutes of the Extraordinary Planning and Environment meeting held on 18th November 2013 be received and the resolutions therein adopted by the Town Council.

Cllr Lewis said he is not a member of this Committee and therefore cannot be absent.

RESOLVED: That the minutes of the Extraordinary Planning and Environment meeting held on 18th November 2013 be received and adopted (15 -1 abs)

RESOLVED: That the minutes of Community, Order and Public Safety meeting held on 19th November 2013 be received and adopted (15 - 1 abs)

RESOLVED: That the minutes of the Planning and Environment meeting held on 9th December 2013 be received and adopted (14 - 1 abs - 1 against)

81. Membership of the Planning and Environment Committee

Cllr Clarke explained how members are elected to Committees. He explained that Cllr Lewis does not wish to be a member of the Planning and Environment Committee and therefore proposed that his membership is

deleted. Cllr Clarke invited any other member who would like to join this Committee.

Cllr Lewis was very grateful to Cllr Clarke for dealing with this matter. He added that he felt it was bad manners of Poynton Town Council to appoint him in the first instance without asking.

RESOLVED: That the membership of the Planning and Environment Committee is amended (14 - 2 abs)

82. Ex-Cllr John Barber

Cllr West enquired if there had been any comments on the passing of ex-Cllr John Barber. Cllr Mrs Sewart explained that a letter on behalf of the Town Council had been sent to the family, signed by the Deputy Mayor. The Mayor commented on the great loss of John Barber, who was his mentor and who had first introduced him to the Town Council. He was also a loss to the community.

The meeting concluded at 9pm