

MELTHAM TOWN COUNCIL

MINUTES OF THE COUNCIL MEETING HELD ON MONDAY 20 AUGUST 2018

Present: Councillor Haigh (Chair), Councillor Bampton, Councillor Brook, Councillor Buchanan, Councillor Butterfield, Councillor Holroyd-Doveton, Councillor Keighley, Councillor Lyons, Councillor Maxfield, Councillor Noon, Councillor White and Councillor Wrathall.

PUBLIC SESSION: There were no members of the public present.

18/154 NOTICE OF THE MEETING

Taken as read.

18/155 APOLOGIES FOR ABSENCE

No apologies for absence were received.

18/156 DECLARATION OF INTEREST

There were no declarations of interest.

18/157 ADMISSION TO THE PUBLIC

RESOLVED: That item 7 Poores Allotment Lease be held in private as it may divulge personal information.

RESOLVED: That item 9 Update Land at Meltham Hall park be held in private as publicity may prejudice the legal position of the Council

RESOLVED: That item 15 Proposals for the future of the Town Hall be held in private as it would divulge commercially sensitive / confidential information.

RESOLVED: That items 7, 9 and 15 be moved to the end of the agenda but otherwise the order of the agenda be followed.

18/158 MINUTES

It was proposed by Councillor Noon and seconded by Councillor Wrathall and

RESOLVED: That the Minutes of the Council Meeting held on the 9 July 2018 be approved.

18/159 MINUTES OF COMMITTEES

It was proposed by Councillor White and seconded by Councillor Maxfield and

RESOLVED: That the Minutes of the Planning Environmental and General Purposes Committee held on the 4 June 2018 be approved.

It was proposed by Councillor White and seconded by Councillor Maxfield and

RESOLVED: That the Minutes of the Planning Environmental and General Purposes Committee held on the 25 June 2018 be approved.

It was proposed by Councillor White and seconded by Councillor Maxfield and

RESOLVED: That the Minutes of the Planning Environmental and General Purposes Committee held on the 16 July 2018 be approved.

It was proposed by Councillor White and seconded by Councillor Maxfield and

RESOLVED: That the Minutes of the Planning Environmental and General Purposes Committee held on the 6 August 2018 be approved.

It was proposed by Councillor Wrathall and seconded by Councillor Bampton and

RESOLVED: That the Minutes of the Properties, Administration and Finance Committee held on the 16 July 2018 be approved.

18/160 WINTER EDITION MERCURY

The Chair of the Communications Committee took Councillors through her suggestions for the content of the winter edition of the Mercury newsletter and invited further suggestions. Councillors agreed the content. It was agreed that the Clerk and various Councillors would provide the Chair of the Communications Committee with various content in accordance with the list circulated at the meeting.

Councillors noted the following deadlines:

- All content to the Chair of Communications Committee 10/10
- First Proof to printers 12/10
- Final proof signed off 18/10
- Leaflets delivered to Royal Mail no later 29/10
- Leaflets start being delivered w/c 19/11

Councillors approved the costs of the printing and distribution of the 6pp A4 Winter Mercury edition.

RESOLVED: That the costs of producing the 6pp A4 Winter Mercury edition be approved.

18/161 MEETING WITH LEADER KIRKLEES COUNCIL

Councillors noted that a meeting will take place on Wednesday 19 September 2018 at 7:00pm with the Leader of Kirklees Council and that the Town Mayor is able to attend on behalf of the Council. Councillor Lyons also said he would attend this meeting.

18/162 ANNUAL PARISHES DAY SATURDAY 29 SEPTEMBER 2018

Councillors noted the information circulated with the agenda concerning Annual Parishes Day on Saturday 29 September 2018 and decided that on this occasion no-one was available to attend the event.

18/163 DATA PROTECTION LEGISLATION / GDPR

The Clerk reported that she and the Chair had met with the Councils CCTV contractor and had been informed that the contractor was having an agreement drawn up by lawyers which would meet the legislative requirements. The Clerk reiterated that it was her understanding that a compliant contract should have been in place by the 25 May 2018. The Clerk also reiterated that it was her understanding that the Council had a responsibility to undertake audit checks of the Council's data processors. One of the Councillors asked if the Council could be liable for failures on the part of a data processor and the Clerk suggested that this was a possibility. The Clerk suggested that the Council may wish to look very carefully at the contract once this is provided by the contractor and consider its other obligations under the data protection legislation given the potential liabilities the Council face.

18/164 FIRST AID/ CPR TRAINING / DEFIBRILLATOR

Councillors noted that the Clerk had arranged two CPR / defibrillator training sessions on Saturday 15th September at 10.30am and Thursday 20th September at 7.30pm in the Jubilee Room in the Carlile Institute. Councillors agreed to help publicise the event by putting up posters. Councillors noted that the defibrillator remained the responsibility of the Town Council and that discussions are underway with the guardian as to the arrangements for maintenance and noted that the arrangements once agreed should be documented.

18/165 CORRESPONDENCE ON RECYCLING CENTRES

Councillors considered the correspondence received from Kirkburton Parish Council circulated with the agenda regarding recycling centres. It was noted that the guidance provided by Kirklees Council as to what can and cannot be taken to the recycling centres is very clear and Kirklees Council provided a collection service for those items that are not permitted to be disposed of at the recycling centres. Consequently, Councillors felt they could not support the suggested request to Kirklees to review its policy.

RESOLVED: That the Council would not participate in a joint response to Kirklees Council regarding the issues at recycling centres set out in the correspondence from Kirkburton Parish Council.

18/166 ATTENDANCE AT YLCA ONE-DAY CONFERENCE 2018

Councillors considered the YLCA one day conference in York on Friday, 28 September 2018 and the Town Mayor expressed an interest in attending noting that there were several workshops with relevance to issues the Council was considering.

RESOLVED: That the Town Mayor be authorised to attend the conference and to approve the costs involved.

18/167 IT ISSUES AND BROADBAND

Councillors noted that the Clerk had been forced to engage the services of an IT specialist and update the Councils broadband provision in order to try and sort out the IT issues with the Councils systems. The Chair suggested that the actions had been necessary as IT was business critical. The costs incurred amounted currently to £270 for specialist IT support and a monthly increase of approximately £8/month for Infinity Broadband. The Clerk reported there were still issues with the system but that the Broadband speeds were much better.

RESOLVED: That the costs incurred for IT support and Infinity broadband be approved.

18/168 ESTABLISHING COUNCILLOR SURGERIES

Councillors considered a suggestion following the first meeting of the Governance Working Group that public question time at formal council meetings should in future be restricted to items on the agenda of the meeting and that Councillors consider a different way of hearing residents' issues and concerns. The Town Mayor clarified that the suggestion was for informal surgeries in busy areas for example a pop-up stall at supermarkets rather than traditional surgeries. It was agreed that it was up to individual Councillors whether to hold surgeries or not.

18/169 OVER 70S GIFT GIVING

Councillors decided to proceed with the over 70s gift giving this year and confirmed the date of the event as Tuesday 4 December. A discussion took place as to whether the value of the gift should be increased, with some Councillors arguing that the gift was merely a token and the value lay in the event whilst others thought it should be increased. Councillor Wrathall proposed that the gift should be increased from £2.50 to £3.00 and this was seconded by Councillor Maxfield, a vote was taken and by a small majority it was

RESOLVED: To increase the gift to £3.00.

Councillors approved the expenditure involved and asked the Clerk to make the necessary arrangements with the Trustees of the Poors Allotment to see if the costs of the event could be reimbursed from the Poors Allotment fund as in 2017, as there are sufficient funds.

18/170 EXCLUSION OF PUBLIC AND PRESS:

Pursuant to section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960 it is

RESOLVED: That because of the nature of the business to be transacted, the public and the press leave the meeting during consideration of the items as determined under Agenda Item 4.

18/171 POORS ALLOTMENT LEASE

The Clerk reported that at the point of issuing the summons Councillors were being asked to approve a re-tendering exercise following confirmation from the valuers that neither the second and third highest tenderers were interested from the last tender exercise. However, the Clerk reported that she had subsequently received correspondence from the existing tenant stating that they now wanted to keep the land. It was also noted that the Clerk had received confirmation that the tenant is making arrangements to cut the field for hay.

18/172 UPDATE LAND AT MELTHAM HALL PARK

At a site visit earlier this year it was agreed that the Council and the property developer involved in this matter would jointly instruct local surveyors to determine the exact boundary between the developer's land and the Town Councils. The Clerk reported that she had obtained a quote and reported the amounts involved. The Clerk then wrote to the developer for his confirmation that he was happy to jointly instruct the firm to carry out the survey and meet half the costs involved. The Clerk informed the developer if he was happy she would ask for a formal quotation, and that a set of agreed joint instructions would be needed. No reply had been received from the developer, but the Clerk confirmed she would contact the developer again. It was agreed to authorise the survey and the associated costs provided the developer comes back to confirm in writing he will meet half the costs of the joint survey. If not, the Clerk will put the matter back on a future Council agenda for consideration.

RESOLVED: That the Clerk make the necessary arrangements for the survey and that the costs involved are approved subject to the developer confirming in writing that he will meet half the costs of the joint survey.

18/173 TOWN HALL UPDATE

Councillors White and Noon updated Councillors on the current position regarding the Town Hall. Councillor Noon explained that Kirklees Council had issued Head of Terms for the purchase of the Town Hall based on the valuation that had been obtained and that there were no restrictive covenants in those Heads of Terms. The Heads of Terms were circulated at the meeting. Councillor White explained where discussions were up to with the Councils partners concerning the possible lease / option to purchase of the Town Hall. The draft heads of terms for this arrangement were circulated at the meeting. Councillor White went on to say that this arrangement was complicated as there could be no lease from the Council of the building until it complied with minimum EPC standards and therefore there would need to be another agreement in place until the requisite EPC standards were met. The arrangements also carried significant risks and the risks to the Council both financial and reputational were discussed in detail. Councillor White reported that as a result an alternative approach had been put to the Council's primary partner which reduced any risk to the council. Originally this

alternative had been received favourably by the Councils primary partner but on reflection they had declined and wish to proceed on the basis of a lease with an option to purchase.

Councillors were asked if they understood the proposed arrangements regarding the agreement, lease and option to purchase and the risks to the Council in proceeding. There was no indication from Councillors that they did not understand either of these matters.

The Clerk reiterated that there would need to be several resolutions at various points in the process and Chair suggested that there would be the need to hold at least one extra ordinary council meeting.

It was suggested that Council should consider the formal approval of the Heads of Terms for the purchase of the Town Hall which were circulated at the meeting and it was

RESOLVED: That the Heads of Terms for the purchase of the Town Hall from Kirklees Council circulated at the meeting be approved.

It was suggested that Council should note the Heads of Terms for the lease / option to purchase (which may alter as negotiations proceed) which were circulated at the meeting and approve instructing the Councils solicitor to draw up an agreement and draft lease / option to purchase along the lines of these Heads of Terms.

RESOLVED: That the Heads of Terms for the lease / option to purchase circulated at the meeting be noted and to approve instructing the Councils solicitor to draw up an agreement and draft lease / options to purchase along the lines of these Heads of Terms.