



Yscir Community Council

Clerk

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The Annual Meeting of Yscir Community Council will be held remotely using Google Hangouts on Wednesday 6 May 2020 at 7.30pm

AGENDA

- 1) Apologies for absence
- 2) Declarations of Interest
- 3) To confirm acceptance of the Code of Conduct and to update the register of Members' interests
- 4) Minutes of the Council Meeting held on 25 March 2020
- 5) Clerk's report including information from minutes
- 6) To review the Council's Financial Regulations
- 7) To review the Council's Standing Orders
- 8) To confirm membership and remit of the Planning Committee
- 9) To adopt the model Local Resolution Protocol
- 10) To determine if any action should be taken with regard to the complaint received about loud swearing whilst a person was training his dogs
- 11) Financial Matters
 - 11.1 To receive an update from the Clerk on possible arrangements for internal audit
 - 11.2 To approve the accounting statement of The Annual Return, subject to possible amendment when the internal audit report is completed
 - 11.3 To approve the Clerk's hours and expenses for March and April
 - 11.4 To authorise the following payments:

Cheque	Payee	Description	Amount excl VAT	VAT	Total
284	HMRC	PAYE for January to March	£97.60	0	£97.60
285	Mr M Westhorpe	Clerk's pay March and April	£329.27	0	£329.27
286	Mr M Westhorpe	Clerk's expenses March and April	£57.60	0	£57.60

- 11.5 To note the financial position of the Council as contained in the cashbook and budget monitoring spreadsheet

11.6 To consider alternative arrangements for sending PAYE information to HMRC

12) Correspondence

a) Regulations allowing remote meetings to be held**

* circulated by email

** received by email but not circulated

13) Issues to report to Powys County Council

14) Any planning applications that arrived after the agenda was sent out

15) Confirmation of date and times of next meeting: Wednesday 8 July 2020 (7.30pm)

A handwritten signature in black ink, appearing to read 'M Westhorpe', with a stylized flourish at the end.

Michael Westhorpe
Clerk to Yscir Community Council

YSCIR COMMUNITY COUNCIL

Minutes of the Council meeting, held on 25 March 2020

at 7.30pm by videoconferencing

Councillors present: Valerie Davies
Geoff Watkins
Jane Price
Kate Dunning

Also present: Michael Westhorpe (Clerk)
Cllr Iain McIntosh

1. **Apologies for absence**

1.1 Cllr Jane Price thanked everyone for taking part in the first video conferencing meeting. There were apologies for absence from Cllr Bob Wood and Cllr Dilys Davies

2. **Declarations of Interest**

2.1 There were none.

3. **Minutes of the Meeting held on 15 January 2020**

3.1 It was agreed that the minutes should be signed as a true and accurate record of the last meeting.

4. **Information from Minutes - Clerk's Report**

4.1 Under 4.2 the Clerk reported that he had a reply from the Defence Infrastructure Organisation stating that 'I can confirm that the MOD are in consultation with the Welsh Government and are working with them to build measures into the National Development Framework to protect the integrity of the Defence Estate'.

4.2 Regarding 5.1, the Clerk reported that the VE day celebrations had been cancelled.

4.3 Cllr Valerie Davies reported that Powys County Council had failed to clear the drains along the Aberyscir road despite numerous and lengthy attempts. A surveillance camera may have to be used and it may be necessary to dig the road up.

4.4 Cllr Kate Dunning queried progress on 16.4 (damaged hydrant covers). Cllr Iain McIntosh said that he would contact the Water Authority again.

1)

5. **Report from Anti-Theft meeting.**

5.1 Cllr Jane Price had circulated her report by email for comment.

6. **Risk Assessment Review**

6.1 The Council considered the risk assessment throughout all sections and agreed that all necessary measures were in place. The risk assessment was approved.

7. **Internal Audit Review and appointment of internal auditor**

7.1 A letter of appointment to Mr Paul Arthur, the internal auditor, was approved.

7.2 The Council considered and approved the audit plan and question/action list.

8. **To approve the draft newsletter and determine distribution arrangements**

8.1 The Clerk reported that with printing firms closed, it would not be possible to print the newsletter.

It was agreed to publish the newsletter on the website and Cllr Valerie Davies said she would put articles on the Facebook Page. A caveat would be included to alert people that some of the events listed may not take place due to the coronavirus.

9. To note the arrangements for supporting people who are self-isolating due to Covid 19

9.1 Cllr Iain McIntosh reported that, as a result of his leaflet drop, 3 shopping and one vehicle collection trip had taken place so far. It was difficult to judge what the demand for the service would be but more volunteers were available if needed and a lot of people were helping their neighbours.

10. Financial Matters

10.1 The clerk's hours (17), pay (£152.06) and expenses (£8.85) for January and February were approved. The clerk's annual expense allowance for working from home (£208) was approved.

10.2 Membership of One Voice Wales (£68), the Clerk's Manual (£52.30) and the external auditor's fee (£313.75) were approved.

10.3 The Council noted that the cashbook showed an end of year balance of £2,927 after the above expenditure. This was just over £100 more than the balance at the beginning of the year and higher than expected due mainly to an underspend on the clerk's salary.

11 Correspondence

- a) PCC consultation on LDP draft supplementary guidance*
- b) BBNPA consultation on Brecon Town Plan
- c) Children's Wales Air Ambulance Appeal**
- d) Llangollen International Music Eisteddfod**
- e) Play for Wales Magazine

PCC = Powys County Council; BBNPA = Brecon Beacons National Park Authority

* circulated by email ** received by email but not circulated

13 To note the application for a butterfly garden at Cradoc school

13.1 The clerk reported that he submitted this application in time for the first round of grant awards. It had been hoped to plant the garden in May but he had not heard anything, probably due to the virus lockdown.

14 Consideration of any planning applications received after the agenda was circulated

14.1 There were none.

15 Issues to be raised with Powys County Council

15.1 The clerk had reported that the retaining wall opposite the Old Smithy was in need of repair as two of the stones had fallen and others were very loose. It was unclear whether Highways or the landowner were responsible.

16.2 Cllr Geoff Watkins reported that he had picked up empty plastic meat and fish packets from the roadside. These are likely to have come from the recycling lorry. Cllr Jane Price said that she had seen a vehicle travelling with the sides open. It was agreed to ask Powys County Council to ask staff to make sure that their recycling vehicles were secure to avoid waste falling out.

19. Confirmation of date of next meeting: Wednesday 6 May 2020 (7.30pm)

It is likely that this meeting will need to be held by videoconferencing

The meeting closed at 8.27pm

ONE VOICE WALES

Model Local Resolution Protocol for Community and Town Councils

The Public Service Ombudsman has agreed to the principle of referring some complaints against Members back to Community and Town Councils for a local resolution. However to date there has not been a common process for Community and Town Councils to follow in dealing with such matters. To assist the sector, One Voice Wales has drawn up the following as a model protocol which any Community and Town Council can use in dealing with such complaints.

This model protocol is meant as a starting point for Community and Town councils. Individual councils may wish to add or amend this model to suit their particular needs. Councils wishing to use this process should first of all be clear about its purpose and intention, formally adopt it in its current or in a revised form and ensure that all Councillors are provided with a copy for their attention. The Council should then determine the framework through which it is operated which may require the establishment of a Committee or Panel or an extension of the terms of reference of an existing Panel or Committee such as a Complaints Panel or Committee. In the case of establishment of a new Panel it is important that terms of reference are prepared and approved by the Council. In either case it will be important for Councils to document in the terms of reference as to what will happen if there is a lack of co- operation shown by the member concerned or a breakdown occurring during the operation of the process. For example, in such cases the default position might be that the matter is referred to the Public Ombudsman for Wales.

The Local Resolution Process

Issues which should be considered under this process

Low level complaints about Members, including:

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing

Issues which should not be considered under this process

Complaints which must be directed to the Public Services Ombudsman for Wales, including:

- Complaints instigated by a member of the public
- Serious complaints – breaches of the Code of Conduct/failure to disclose interests/bullying/abuse of position or trust/repeated breaches
- Complaints made by the Clerk/Proper Officer
- Vexatious, malicious or frivolous complaints
- Members' complaints about officers which should be dealt with using the Council's internal complaints process
- Repetitive low level complaints

The Process

The complaint

The complaint would need to be sent to the Clerk/Proper Officer of the Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman. If appropriate, therefore, the Clerk/Proper Officer should firstly seek an early resolution of any such dispute by liaising informally with the individual members concerned prior to the resolution process described below. It is vitally important that the 'accused' member is given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.

Resolution Process

The involvement of the Chair/Vice Chair of the Council in the following process is not to adjudicate on the complaint, but to attempt to get the members/officers involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis.

The Clerk/Proper Officer will act as a facilitator for the resolution process below.

If the complaint is between Members other than the Chair of the Council, the Clerk/Proper Officer and the Chair will meet individually with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint is between Members, one of whom is the Chair of Council, but not the Vice Chair, the Clerk/Proper Officer and the Vice Chair will meet with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against a Member other than the Chair of Council, the Clerk/Proper Officer and the Chair of Council will meet with the officer and the Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against the Chair of Council, the Clerk/Proper Officer and the Vice Chair of Council will meet with the officer and the Chair to seek an agreed resolution.

If the complaint has been made by the Clerk/Proper Officer, then it is likely to be best practice that this complaint is forwarded by way of a complaint to the Ombudsman.

Possible results of the process

If an agreement is reached by Members and/or officers during this Stage then no further action is required.

If agreement cannot be reached the aggrieved Member/officer would always have the opportunity of referring the matter to the Ombudsman.

Examples of agreements might include issue of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed.

Time for the process

It is the intention that all of the processes can be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the meetings.

Important Points to Note in preparing a process for use by the Council

The Clerk/Proper officer, Chair and Vice Chairs of Councils should consider receiving appropriate training in facilitation and mediation to be in a position to maximise the benefit of this process. Councils wishing to pursue this route should contact One Voice Wales for

guidance.

Councils might want to include some guidance where complaints which are most appropriately dealt with under this process are referred back to the Council by PSOW. The PSOW could actively do this if the Council has an approved process.

It is suggested that any meetings held with a view to discussing the issues of complaints and/or resolving matters are at the very least minuted, if not recorded. This is to ensure that agreements are captured. This will also be useful in the event that matters break down or escalate and need to be referred to the PSOW. It may also be useful as evidence in the event of further similar breaches of the conduct and future conduct.

Councils need to be clear on their powers in respect of code of conduct matters. The Ombudsman has seen examples of councils who have deemed it appropriate to fully investigate a code complaint, decide that there has been a breach and some have even thought it appropriate to consider the issue of a sanction. Investigations of possible breaches of the Code are matters for the Ombudsman. The Local Government Act 2000 gives him the authority to carry out such investigations. The Council has no legal authority to undertake such investigations or to make findings of a breach of the Code of Conduct, which are decisions that can only be reached by a Standards Committee or the Adjudication Panel for Wales.

Agenda item 11.5

May 2020

Opening Balance £2,813

	Expenditure to date	Profiled expenditure to date	Variance	Budget 2019-20	Expenditure 2019-20
Insurance		£0	£0	£200	£168
Audit fee		£0	£0	£200	£183
Clerk's salary	£329	£760	-£431	£2,000	£1,857
Clerk's expenses	£58	£31	£27	£400	£368
Newsletter	£0.00	£200	-£200	£200	£153
SLCC and One Voice Wales		£0	£0	£130	£125
Contingency		£0	£0	£0	£0
Website		£0	£0	£180	£163
C C election (uncontested)		£0	£0	£0	£0
C C election (contested)		£0	£0	£0	£0
Sports Committee Grant		£0	£0	£0	£0
Training Courses		£0	£0	£0	£45
Brecon Town Council (tourism support)		£0	£0	£100	£100
Litter Picks		£0	£0	£100	£40
Data Controller Registration		£0	£0	£50	£35
Projects		£0	£0	£0	£92
Councillor expenses		£0	£0	£25	£0
VAT to reclaim		0	£0	£40	£60
Total expenditure	£387	£991	-£604	£3,625	£3,389
Income :precept				£3,355	
Income Santander				£11	
Income: vat refund				£41	
other income					
Total Income				£3,407	
Projected closing balance at 31.3.20				£3,199	