

At a Meeting of Pembroke Dock Town Council held at the Pater Hall, Pembroke Dock on Thursday 14th January 2016

PRESENT: Councillors P Kraus, M Colgan, D Earl, P George, P Gwyther, A McNaughton, J McNaughton, S Perkins J Phillips and T Wilcox

IN ATTENDANCE:

Sarah Scourfield – Town Clerk

Amanda Dillaway – Deputy Town Clerk

Amanda Hart – Administrative Support Officer

107 APOLOGIES FOR ABSENCE

Councillor P Folland, K Higgs, A Lee, M Murton and G Goff

108 DECLARATIONS OF INTEREST

There were none.

109 QUESTION AND ANSWER SESSION WITH MEMBERS OF THE PUBLIC

Councillor Sue Perkins declared an interest as Chairperson of Communities First.

Christine Gwyther of Pembrokeshire Communities First presented an update on the Treasure Pop-Up Shop at 42 Dimond Street, Pembroke Dock explaining the purpose and the benefits of the project. Christine also explained to members that Communities First wanted to continue the shop for the coming year and outlined the funding that is required and funding that is earmarked already by Pembs County Council and the Town Council.

It was commented that the Town has a wealth of talent and many of those who had utilised the shop last year have expressed an interest in returning again. It was also mentioned that the shop could have some tourist information held there during the summer months.

110 MINUTES OF 10th December 2015

Town Clerk's Report - Town Council Offices Relocation

Councillor P Gwyther stated that he thought that Bridge Innovation Centre had not been confirmed as an option for the relocation of the Town Council Offices. Members agreed that relocation within the Town Centre would have been a better solution, however all available options were considered and resulted in the office moving to where space was available.

It was

PROPOSED by Councillor M Colgan

SECONDED by Councillor A McNaughton

RESOLVED - That the Minutes of 10th December 2015 are adopted as a true record.

111 MATTERS ARISING FROM THE MINUTES OF 10th December 2015

Councillor P Gwyther stated "on a point of procedure" that he did not think that it was correct for the Town Clerk to have taken the Chair temporarily at the last Meeting. Councillor T Wilcox commented "also on a point of procedure" that Trustees should declare an interest in matters regarding The Trust and The Town Council.

Councillor A McNaughton questioned the situation regarding speeding in Victoria Road. The Town Clerk commented that she had informed the Police of his concerns but no update would be received back from the police on this matter.

112 TO RECEIVE AND CONSIDER THE REPORT OF THE TOWN CLERK

107 Financial Assistance – Hafan Cymru

The Town Clerk had received a grant application from the above organisation for the amount of £150. The organisation provides tailor made support packages for individuals who require services such as temporary supported housing, domestic violence advice services and services to enable individuals to look for learning and work opportunities.

Hafan Cymru had only supported 5 people within the Pembroke Dock area out of 198 people who were supported throughout Pembrokeshire. The grant aid would be put towards providing the Freedom Programme which helps women affected by domestic abuse gain control of their lives.

Following a discussion members felt that this application fell outside of the remit for grants from the Town Council so no assistance could be given on this occasion.

108 Trunk Road Agency Road Safety Review

The Town Clerk stated that information had been received from the Welsh Government stating that they had undertaken a road safety review on their roads. The following areas which affected Pembroke Dock were parts of the A477 and all existing speed limits are to remain the same the 30mph and 40mph sections are due to have a prioritised programme of engineering work to start 2016/2017. The 60mph section which is the Milton to Pembroke Dock section is due to have other works undertaken to improve safety.

109 Local Government Reforms – Dyfed

The Town Clerk had received correspondence from the Chair of the National Assembly for Wales Petitions Committee highlighting the petition for the above subject the petition stated the following:

“We the undersigned are fully prepared to see a reform of local government in Wales but reject the proposal to recreate the former hugely unpopular Dyfed authority which was abolished in 1996. Welsh Government should learn the lessons of history and not try to impose a solution that the three Counties involved all reject.”

The Town Clerk stated that the closing date for this petition was the 5th February; and if anyone wanted to receive the link to this petition please let her know. A letter had also been received from Councillor Peter Stock urging councils to sign the petition.

110 Hywel Dda Health Board Flu Briefing

The Town Clerk stated that the Town Council had been provided with information regarding the flu from Hywel Dda Health Board to try and raise awareness of the importance of having the flu vaccination, a copy of this information was included in members' papers.

111 Free NHS Breast Screening returns to Pembroke Dock

The Town Clerk informed the Town Council that the above service would continue in Pembroke Dock and would be based in Tesco Car Park between January and April 2016.

112 Mental Health Services Engagement Event

Hywel Dda University Health Board are working alongside the Local Authority and service users to transform mental health services in Hywel Dda. They contacted the Town Clerk regarding an event they would be holding at the Queens Hall, Narberth on 19th January 2016 between 18.00-20.00. This event would provide attendees with the opportunity to find out in more detail their vision for the future. They would also be actively asking for ideas and opinions on ways to help shape the future of the mental health service provided by Hywel Dda. The Town Clerk asked if any Member would like to attend the event please let her know that evening in order for her to notify Hywel Dda.

113 Tidal Energy Information

The Town Clerk had received confirmation that Tidal Energy Ltd had successfully installed Delta Stream on Sunday 13th December. After initial testing and commissioning of the device, Delta stream will gather data relating to its electricity generating performance and environmental impact over the coming months.

114 Proposed Road Safety Scheme – 20mph Britannia Road

The Town Clerk stated that members were aware that the County Council were currently carrying out various highway works in the Pembroke Dock area as part of Welsh Government funded “Safe Routes in Communities” schemes. As part of this scheme there are to be road safety improvements in the region of the primary school located off Britannia Road.

Pembrokeshire County Council welcomes comments on the proposal, and therefore, the Town Clerk had included in members’ papers a copy of the plans for the proposal.

115 Temporary Offices of the Town Council

The Town Clerk stated that the offices of the Town Council had now been relocated to the Bridge Innovation Centre. As previously stated this was only on a temporary basis and the Town Council would relocate back to the Pater Hall once the ground floor offices were up to a standard which would allow for normal working regulations.

The Town Clerk commented that she was aware that the Bridge Innovation Centre was not the first choice for Council but after further discussion with Pembrokeshire County Council this was the only choice available. The move ensured that the Town Council are now providing their staff with offices which meet working regulation standards and Health and safety standards.

The cost of the temporary office is £249 per month this includes all service charges, with a “tenancy at will” agreed, which allows either organisation to end the agreement at any point.

113 TO RECEIVE AND CONSIDER THE SUPPLEMENTARY REPORT OF THE TOWN CLERK

116 Councillor co-option

The Town Clerk commented that the closing date had now passed for the Vacancy in Pennar Ward. Three letters of interest for the position had been received and therefore the Town Clerk suggested that the interviews were held on 11th February starting at 5.45pm to allow for the co-option process to take place before the meeting.

117 Tolls on the Cleddau Bridge

Councillor P Gwyther had asked for this item to be added to the agenda for discussion at this meeting. Councillor Gwyther felt the Town Council should have a view on the Toll Charges as

residents of the town were probably the largest users of the bridge. After a brief discussion amongst Members, it was decided that this was not an issue that needed to be discussed at length.

118 Pembrokeshire County Council is Changing Consultation

The Town Clerk stated that the Town Council had received information from Pembrokeshire County regarding their findings on the above consultation and had issued members with a copy to read at their leisure.

119 Age Friendly Communities

The Town clerk stated that Ageing Well in Wales had contacted the Town Council to highlight the above event which was taking place on Tuesday 26th January 1.30pm -4.30pm at the Queens Hall, Narberth. This event would provide information on how to get started with age friendly communities. It was agreed that Councillor P George and Councillor M Colgan would be attend the event.

120 Parish Visit – Bishop Wyn Evans

The Town Clerk stated that information, including an itinerary, had been received from Reverend Nicky Skipworth outlining the upcoming visit of Bishop Wyn Evans. The Town Clerk asked if any members of the Town Council would be attending. Councillors P George, M Colgan and J McNaughton confirmed that they would attend the lunch time session at the Heritage Centre.

121 Proposed Offices - Meeting with Pater Hall Trustees

The Town Clerk had included with members papers a copy of the minutes taken from a recent meeting with the Trustees of the Pater Hall to discuss the proposed office project.

The Town Clerk stated that a meeting had been set for Tuesday 1st March 2016 at 10.30am to open any tenders received, therefore the Town Clerk sought members' agreement on the final tender documents and proposed date for the works to commence on the Town Council's proposed offices.

There followed a discussion where it was commented that the Town Council should expect the first fix electrics and heating to be included.

It was

PROPOSED by Councillor A McNaughton

SECONDED by Councillor T Wilcox

RESOLVED – That Pembroke Dock Town Council agree the proposed tender documents but request written confirmation from The Pater Hall Trust that the first fix electrics and heating would be paid for by The Pater Hall Trust.

122 Planning Committee Vacancies

The Town Clerk advised that two vacancies had arisen on the Planning Committee. Councillor P Kraus and Councillor P George volunteered for these posts.

114 NOTICE OF MOTION – PROPOSED BY COUNCILLOR P GWYTHYR

"I move that this council continues to pay the monthly rent to the Pater Hall Trust in order that:-

a) The 25 year lease arrangement entered into, between the Council and the Trust, is not made null and void by our actions and this council does not incur expensive legal costs in re-opening and negotiating a new lease when the new offices are completed.

and

b) This council does not act dishonourably by ignoring the written assurances we sent to the Charity Commissioners in 2014 that the rental figure would be part of the financial package of support we gave the Trust in order for them to remain viable”.

Councillor Gwyther provided Councillors with the following information regarding his Notice of Motion :-

“Reasons

A careful study of the wording of the leases which comprise the legal arrangements made by this council in 2004 when we created the Trust, will show that there are no “get out” clauses or notice to quit clauses in either documents. This is because, when the council created the Trust, no-one envisaged the situation we are in now. Those leases are part of the 25 year arrangement that is legally binding. Some people may not like this situation but that is where we are. That was the council decision at the time. We simply cannot stop paying the rent as this would be breaking the terms of our agreement. Huw Morgan the council solicitor at the time has stated that the council cannot stop paying the rent and I have not seen any legal advice to the contrary about that. It is not possible to jump in and out of a long term lease agreement in this way and I fear we will not have any legal right to return to the new offices when they are finished until another lease is in place and that will mean involving solicitors and who knows what cost. I am sure the Trust would not wish to place any barriers in our way regarding moving back, but as a council we could not be the legal equivalent of squatters and our tenancy MUST be legal and proper.

If we do maintain the rent then the current lease will still be valid. No solicitors – no fees.

The Five councillor Trustees have been placed in a truly difficult situation by this and they have just had to attend a Trust meeting where they felt obliged to support the Trust paying for legal advice from their solicitors because of the actions taken by their own council!

We simply must not get to the appalling situation where the Trust officers could ask Councillor Trustees to vote on taking legal action against the council to recover their rent losses. I fervently hope that common sense will prevail in the council and we recognise that this rental issue which has not been approved by Council, will be stopped.

While some councillors may be vocal in supporting the act of stopping paying the rent, this council as a body has not voted to stop paying the rent and I believe the Town Clerk is acting outside her authority in saying that the council will do that. At least this notice of motion (regardless of how a vote goes) will make any future actions comply with council standing orders.

There is no validity in the argument that stopping paying the rent will speed up the process of the new offices – it will only put the Trust under more financial pressure and make things worse.

There does need to be a written agreement between the council and the Trust regarding the rent as the lease documents do not include a rental figure and so, to date, we have been paying the rental based on a council decision on a notice of motion (14 Oct 2005). I would hope we could avoid legal fees to both parties and negotiate that document ourselves as previously we felt content with a decision at full council. In any case this must be a discussion between both parties first.

Lastly when the Trust was set up this council gave a written guarantee to the Charity Commissioners (23 Sept 2004) that the rental figure was part of the financial backing that the council would give the Trust in order for the hall to be permanently viable. The Charity Commissioners insisted on this

support from the Council on a long term basis, before they were prepared to authorise Charity status. We are breaking that promise even if it is on a temporary basis and I feel we risk bringing the council into disrepute by that action. Those written guarantees cannot change on a whim and it was accepted by council back then, that financial support was on a permanent basis. Even the most sceptical of councillors would surely accept that it is folly for the council to push the Trust into financial jeopardy and risk losing the support of the community and even worse - losing future public grants for the improvement of the hall.

I have asked Ian Jones if he can find the letters relating to these agreements as they will provide some illumination and better understanding for those who were not involved at the time."

The Town Councillors' comments to the above were as follows:-

Councillor S Perkins stated that it appeared the five Councillor/Trustees on the Pater Hall Trust had already voted with the Trust and had therefore declared their opinions before entering this Council Meeting. Councillor Perkins stated that she had informally spoken to the Monitoring Officer who had agreed.

Councillor P Gwyther read to members extracts of a letter sent to the Charity Commissioner in 2005. The Town Clerk and Councillor S Perkins questioned the legality of the letter and asked for copies. Councillor Perkins stated that it was impossible for her to make an informed decision on any legality without having the documents that Councillor Gwyther referred to. Councillor Perkins further stated that times have changed and certain subjects that were referred to back in 2005 did not have to legally be considered.

Councillor S Perkins suggested that the Town Clerk meet with the Trust and contact the Charity Commissioner to ascertain the legality of the documents Councillor Gwyther had referred to.

Councillor T Wilcox stated that the relocation of the Town Councils' Offices was due to the fact that the current Offices were not fit for purpose and therefore illegal.

There followed a heated discussion regarding the breakdown of rental figures. Councillor S Perkins stated that evidence to support the Notice of Motion should be sought before any decisions were made.

At this point Councillor P Gwyther decided to defer his Notice of Motion until the next Town Council Meeting.

Councillor P George and Councillor M Colgan left the Meeting at 8.15 pm.

115 ANY OTHER ITEMS WHICH THE MAYOR DECIDES ARE URGENT

None to report.

116 TO RECEIVE A REPORT FROM TOWN COUNCIL REPRESENTATIVES SERVING ON OUTSIDE BODIES

Councillor S Perkins stated that the Memorial Park Committee had recruited a new member and that the group were hoping to be able to install more park equipment at some point. Councillor J Phillips questioned why she had not received a reply from the Memorial Park Committee regarding her application to join the Committee. The Town Clerk confirmed that an email had been sent to Councillor J Phillips inviting her to the AGM of the Group.

Councillor J Phillips stated that at the Regeneration Group meeting a date had been set for the Beer Festival i.e.19th – 20th February 2015. David Bannister attended the meeting to discuss the WiFi situation and informed them that Pembrokeshire County Council would fund WiFi for the first 3 years. Mr Guy Anderson also attended the meeting to discuss the work he has been carrying out regarding the Town Trail. The Regeneration Group are hoping that a grant from Tesco will be donated in order to develop the Gordon Street rail track for the Community.

Councillor P Kraus attended the recent Police Forum Meeting where the dog fouling problem within the Town had been raised as a problem.

117 FINANCIAL REPORT

ACCOUNTS FOR PAYMENT

Date	Description	Amount	Payment Method
03/12/2015	Postage – 2 nd Class stamps	12.58	Debit Card
05/12/2015	Christmas sundries	10.00	
07/12/2015	B Jones – Christmas lights installation	£6594.00	
09/12/2015	Balloon Sensations – Grotto decorations	£100.00	
09/12/2015	Tenby Observer – Christmas advert	£35.00	
11/12/2015	Postage - 2 nd class stamps grotto letters	£19.44	Debit Card

PAYMENTS PREVIOUSLY AGREED e.g., Grants, Sec 137 payments, allowances

Date	Description	Amount	Payment Method
01.01.2016	Pater Hall Trust – Office Rent December	£583.33	

ACCOUNT RECEIPTS

Date	Description	Amount	Payment Method

SALARIES AND WAGES

06/12/2015-05/01/2016	Salaries & Wages	£3,867.87
06/12/2015-05/01/2016	Tax & Ni	£718.92
06/12/2015-05/01/2016	Pensions	£712.72

ACCOUNT BALANCE

06/01/2016	HSBC Current Account	£84,305.27
06/01/2016	HSBC Premium Account	£22,409.62

It was

PROPOSED by Councillor A McNaughton

SECONDED by Councillor G Goff

RESOLVED – That Pembroke Dock Town Council approve payment of the above Payments, Receipts, Salaries and Wages.

118 AGENDA/REPORT ITEMS FOR THE NEXT MEETING

The following items were put forward:

Councillor P Gwyther's Notice of motion,

Visit from David Bannister re: WiFi for the Town

119 COMMUNITY ISSUES

Councillor P Gwyther suggested that there should be a review on the Town's Christmas Lights as some areas were lacking this year. The Town Clerk stated that the installer of the lights had not had the best of weather during the times he was working to put the lights in place. It was felt that perhaps more money should be invested at the Pump House as this is a focal point for the Town.

It was commented that dog fouling continues to be a problem within the town and that a lot of broken glass was currently apparent within the Town around the Argyle Street to

120 MAYORS REPORT

Nothing to report

121 PRIVATE AND CONFIDENTIAL

It was

PROPOSED by Councillor A McNaughton

SECONDED by Councillor S Perkins

RESOLVED - That the press and public be excluded from the meeting under the Public Bodies (Admission to Meetings) Act 1960 due to legal privilege and disclosure of personal details.

PRIVATE & CONFIDENTIAL REPORT OF THE TOWN CLERK

4 Resignation of Street Cleaner

The Town Clerk stated that the Town Council's street cleaner had resigned on 11th January 2016.

The Town Clerk requested that the job be advertised with the current job description. It was commented that the job description required some changes and the Town Clerk requested that members contact her with proposed amendments.

There being no further business the meeting closed.