

Raglan Community Council
Minutes of the Ordinary Meeting held on
22nd April 2015 at the Raglan Junior School at
7.00pm

Present

Cllr Vivienne Compton
Cllr Dennis Brown
Cllr Ewen Brierley
Cllr Penny Jones
Cllr Richard Moorby

Cllr Sylvia Price
Cllr Trevor Phillips (Chairman)
Cllr Noel Porter
Cllr Peter Williams
Cllr Helen Williams

3826 In attendance:

Adrian Edwards, Clerk to the Council.

3827 **Agenda Item 1:-**Apologies for absence.

Cllr Ray Parry

3828 **Agenda Item 2:-**Declarations of interest.

Declarations of interest will be made as and when required

Proposed: by Cllr P Williams that agenda item 3 is moved to the end of the meeting.

All members agreed.

3829 **Agenda Item 4:-** 15 minutes set aside for members of public to address the Council with any concerns

No public in attendance

3830 **Agenda Item 5:-** Confirm the minutes from the allotment meeting on the 13 March 2015. (minutes presented to the March meeting)

Proposed by Cllr P Williams seconded by Cllr P Jones that the minutes are signed as a true record.

All Members Agreed

3831 **Agenda Item 6:-** Matters to report.

Cllr Moorby joined the meeting at 7.05pm

The clerk gave members a verbal report regarding a tenant, Mr Foster who has not returned the renewal application or returned the rent for 2015. After some debate it was agreed that a letter is sent to Mr Foster reminding him the 2015 rent is now due.

All members agreed.

The clerk informed members that he has received a report that the tenant on plot 12 has divided her allotment into sections and is subletting her plot to two other individuals. Members debated this matter and after due consideration it was:

Resolved: to write to the tenant and ask her if the allotment is subdivided

The clerk informed members that the applicants on the waiting list have not replied to correspondence sent to them. i.e. Ms Saint and Ms Sommer. After some debate it was:

Resolved: their names are removed from the list

All members agreed.

The next person on the list is Dr Waggstaff, after some debate it was agreed that Dr Waggstaff is offered the next allotment.

All members agreed.

3832 Agenda Item 7:- To receive and if appropriate to adopt the Minutes of the Ordinary Meeting held on Wednesday 25 March 2015

Proposed by Cllr P Williams seconded by Cllr P Jones that the minutes are signed as a true record.

All Members Agreed

3833 Agenda Item 8:- Matters to report.

The clerk explained that he left message for the highways officer regarding the hedge on Pen-y-parc Road. Cllr Porter believes the hedge is going to be removed. A question was asked about the daffodils on the roundabout after the rotorvating of the ground for the wild flowers.

A member stated that a skip was provided and the skip was full, therefore showing the skip was needed. One member was disappointed to see some allotment tenants fill the skip with some composted material.

The Chairman explained the business case for the MUGA has been moved to the next cabinet meeting. The clerk invited members to send him any changes or observations so the business case can be amended for submission. Some members expressed frustration with this process. After some debate it was:

Resolved: the business case would be sent to members in word format so amendments can be made

Cllr Moorby explained that minute 3823 is incorrect. He explained the Monmouth CAB will be closing on the 30 June 2015. The Monmouthshire CAB will be opening surgeries in Wyesham and the Bridges in Monmouth.

Cllr Jones informed members that the former public toilets in Raglan village are in private ownership, and MCC cannot enforce any improvements at this stage.

3834 Agenda Item 9:-Planning applications received.

DC/2014/01491: Woodland View, Cold Harbour Farm, Usk Road, Raglan. Material change of use from dwelling to care home. Erection of extension to care home and associated landscape works and creation of new highway access to care home.

Members considered the above application, and members expressed concern over the size of the extension in open countryside and car parking within the curtilage. After some debate it was:

Proposed: to object to this application on over development in the open countryside.

3835 Agenda Item 10:- Finance Matters.

Payee	Amount
Payments for April Clerks salary & HMRC	
Merlin Waste (April)	33.90
City Illuminations	4,066.00

It was agreed: by all members present that the payments above are paid

It was agreed: to reissue a payment for the hall hire at the Baptised Chapel.

All receipts were available for inspection

3836 Agenda Item 11:- Items of correspondence.

Welsh Government:

1. Use of Cadw monuments

Monmouthshire County Council:

2. None

Other Correspondence:

3. Gwent young farmers
4. Came & Co newsletter
5. Mazars annual return
6. One Voice Wales area meeting
7. The Voice newsletter
8. CAB letter of notice withdrawal of service

Members noted the correspondence.

3837 Agenda Item 12:- Clerk reports.

See attachments. Already discussed above.

3838 Agenda Item 13:- Reports from members on outside bodies.

The Chairman explained that the drainage on Chepstow Road was not in the locations the county council were expecting, and the contractor is taking a little longer.

The Chairman explained that MCC transport contractors are not picking up High school students until 8.30am and therefore some students are arriving at school late and impacting on the school day and exams.

After some debate it was:

Resolved: *the clerk should write to MCC Transport regarding this matter.*

Cllr Moorby gave members a report relating to the next twinning association visit; he explained that the twinning association is still looking for families to accommodate visitors.

Cllr's Phillips and Williams gave members a verbal report following the last One Voice Wales meeting. They gave a report on the tidal barrier in Swansea and the proposals in the river severn. Cllr Williams explained that One Voice Wales are providing training courses in this area but councils and members are not attending the training courses.

3839 Agenda Item 14:- Reports from the County Councillor

Cllr Jones gave members a verbal report on some highway issues in the Llandenny area. Cllr Jones explained that MCC will be sending a maintenance gang to undertake some repair works. Cllr Jones explained that she is still receiving complaints about car parking in the village. It was explained that officers are still looking into this matter.

3840 *Agenda item moved from item three on the agenda: the press and public may under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following items of business as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.*

Consider the legal response to the Local Government Ombudsman report relating to Raglan allotment complaint.

Cllr Phillips and Williams left the meeting and didn't return. Cllr H Williams proposed that Cllr Moorby takes the chair.

The Chairman invited the clerk to give members the back ground information relating to the Ombudsman's report. Members debated this matter and after some consideration it was:

Proposed: *Cllr Brown seconded by Cllr Williams that the recommendations are accepted in principal. It was agreed that the complainant is offered an allotment and be placed on the waiting list.*

All members agreed:

See appendix:

3841 The Chairman thanked members for attending. The meeting closed at 8.32 pm. The date of the next meeting is 27 May 2015

Signed by _____

Chairman Cllr
Date 27 May 2015

Reports to:- Raglan Community Council
Subject:- Raglan Allotments
Report:- by the Clerk
Date:- 4 April 2015

This report is in relation to the complaint made to the Local Governments Ombudsman by a tenant of the community council allotment sites in the village. The Ombudsman inspector has made a number of observations in her draft report dated 31 March 2015. The Ombudsman is satisfied that no public issues are arising from the complaint. The Ombudsman as stated that there is no requirement to make the report public under s21 of the Public Services Ombudsman (Wales) Act 2005 (PSOW Act). The inspector states that the Ombudsman has the power to invoke s16 of the Act in which case the community council will need to cover any costs incurred. The Ombudsman has requested that the community council will need to respond to the recommendations in the inspectors draft report by the 24 April 2015. The draft report and this clerk's report must be considered under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following items of business as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted, therefore this business will be exempt for disclosure.

The inspector has made reference to the Allotments Act 1922 in a number of the recommendations. The community council's agreement amended in 2014 and in 2015. para 1 is in line with the Act. In the last meeting of the community council on 25th March 2015, it was proposed that the agreement should commence from the 1 January not April, but it is clear from the Allotments Act the commencement date is the 1 April, therefore I would recommend that any agreement should reflect the Act.

Extract:

- (a) *"a six months' or longer notice to quit expiring on or before the sixth day of April or on or after the twenty-ninth day of September in any year"; or*
- (e) *re-entry for non-payment of rent or breach of any term or condition of the tenancy or on account of the tenant becoming bankrupt or compounding with his creditors, or where the tenant is an association, on account of its liquidation.*

In the draft report the Ombudsman makes reference to PSOW Act where the guidance states:

(1) A listed authority must take reasonable steps to provide information to the public about—

(a) the right to make a complaint to the Ombudsman in respect of the authority,

(d) how to contact the Ombudsman

(2) In particular, information about the matters specified in subsection (1) must be included in or provided with—

(a) any document published by the listed authority which contains information about—

(ii) the procedures of the authority for dealing with complaints, and

(b) any document issued by the listed authority in responding to a complaint made to it by a person who might be entitled to make the complaint to the Ombudsman.

The inspector makes reference to the Model Complaints Policy provided by Welsh Government and community councils should adopt the model policy. The community council adopted a template policy in 2012, which was published on the Society of Council Clerks website. The inspector acknowledges that the council has a complaints policy but it does not include the Ombudsman contact details as indicated in the Ombudsman guidance.

The inspector makes reference in item 39 in the draft report, to the council not making a decision in 2013 where the complainant exchanged the tenancy from her mother to herself. In the agreements which have been entered into again in 2015, there are a number of existing tenants who have exchanged the tenancies to family members. The item in the tenancy agreement will need to be removed so the community council does not find itself in a similar situation in the future. The inspector also makes reference to complaints being recorded but without satisfactory evidence to support the complaint. I would strongly recommend that any complaints are reported in writing to council or it's sub-committee; verbal reports from members are not robust and do not provide sufficient evidence.

Items 43/44 in the draft report, identifies a number of issues, surrounding the termination of the agreement and the allocation of the complainants allotment to another tenant. The inspector states the council received payment from the current tenant on 26th January 2014.

However, the complainant was told by a member of the council, the current tenant was asked to clear the allotment in May 2014. The inspector also identifies the council reported the other tenant took over the allotment in early spring. The inspector identifies, this information is contradictory.

Items 45 -47 of the draft report identifies the council made the decision to deny the complainant an allotment when she failed to return her signed renewal agreement. The complainant was contacted in February 2014 and also informed the allotment had been inspected in June 2014. The inspector questions why these contacts were made if the agreement had been considered to have not been renewed.

Item 47 of the inspectors report makes it clear the administration of allotments has been very sporadic, and that's one of the reasons, the ombudsman has upheld the complainant's complaint.

Item 51 of the draft report states there is no evidence the Chairman reported correspondence relating to the complaint he received from the complainant to a complaints committee or full council. The inspector states there is no evidence to suggest the complaint was investigated by the complaints committee or the council. This part of the complaint has been upheld by the inspector.

Recommendation:

- i) No individual or elected member should instruct individuals or contractors to undertake duties without council agreement.
- ii) Council to consider the Provisional Recommendations of the draft report, paras 53-57.
- iii) No elected member/s should write on behalf of the council.
- iv) All correspondence received by any member/s should be forwarded to the clerk for inclusion on the council's agenda.
- v) The council delegate powers under s101 LG Act 72 (1) (a) to the clerk to deal with tenancy matters and day to day matters relating to the allotments without a financial responsibility. or:
- vi) The council delegate powers under s101 LG Act 72 (1) (a) to the sub-committee to deal with any matters relating to the allotments with a financial limit of £500 to spend on the allotment sites.

- vii) The council adopt the proposed complaints policy attached.
- viii) The council resubmit a new tenancy agreement to all tenants.
- ix) Consider re-letting an allotment to the complainant
- x) Council members must consider giving the complainant compensation for the produce or equipment lost in the resulting issues.

Reports to:- Raglan Community Council
Subject:- Raglan Allotments subletting
Report:- by the Clerk
Date:- 22 April 2015

The tenant that has submitted a renewal application for allotment number 12 (Mrs Jayne Powell) has been subletting her allotment with two other subtenants. The agreement which has been signed and received on the 25 February 2015 states there should be any underlet assign or any part the procession of the allotment garden or of any part thereof without the prior consent in writing of the council.

Following the draft report from the Local Government's Ombudsman inspector dated 31 March 2015. The tenant is in breach of the condition 2.6.

Following an inspection of the allotment garden on the 4 April 2015 the allotment garden as not started to be cultivated, but the garden would seem to have been divided in three sections. From the photographs below members will be able to see the way the allotment garden as been divided by planting fruiting bushes.

Mrs Powell has only paid a £10 fee for the allotment rent for 2015.

Recommendations, following the Ombudsman draft report.

- i) A letter is sent to Mrs Powell the tenant asking has she sublet the part or all or the allotment garden to a third party/s.
- ii) The cheque is returned asking for the correct fee to be paid within the next 10 days.
- iii) The allotment garden is monitored over the next couple of weeks to ensure the allotment garden is not sublet.
- iv) If it's reported that the allotment garden is cultivated by anyone other than the tenant a notice to quit is sent.

