

Raglan Community Council
Minutes of the Ordinary Meeting held on Wednesday
25 October 2017 at Raglan School.
at 7.00pm

Present

Cllr Hazel Davies
Cllr Charlotte Exton
Cllr Penny Jones
Cllr Sylvia Price

Cllr Richard Moorby
Cllr Helen Tilley
Cllr Brian Willott (Chairman)

4330 In attendance: Adrian Edwards Clerk
1 member of the public

4331 **Agenda 1:-** Apologies for absence.

Cllr's Marty Dorey, Chris Butler-Donnelly, Dave Bevan, Andrew Watkins

Cllr Jones joined the meeting 19.20hrs

4332 **Agenda 2:-** Declarations of interest.

The clerk explained that he has not received any declarations before the meeting.

4333 **Agenda 3:-** 15 minutes set aside for Community interaction and members of the community to ask the Chairman or Council questions of local interest. Any questions should be submitted to the clerk 3 working days before the meeting.

A member of the public asked about the current situation regarding pedestrians on Station Road Raglan.

The clerk gave members a verbal report and explained members have notes from a meeting on 5 October. Copy of the notes was provided to the resident.

It was also reported that some of the coping stones on Raglan Square have become loose.

4334 **Agenda 4:-**The press and public under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media are excluded from the meeting during the consideration of the item 14 of business as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted

Proposed: by Cllr Moorby seconded by Cllr Exton that the press and public under the Public Bodies (Admission to Meetings) Act 1960 are excluded.

All those present Agreed

4335 **Agenda 5:-**To receive and to adopt the Minutes of the Ordinary Meeting held on Wednesday 27 September 2017.

The chairman requested that minute 4319 is amended. The clerk asked was the minute incorrect. The chairman believes the minute was too long. After some debate it was:

Proposed: that the minutes record the motion and the resolution.

All those present Agreed

Proposed: by Cllr Davies seconded by Cllr Price, the minutes of the previous meeting were accepted and to include the amendment below were signed by the Chair.

All those present Agreed

With the following to be an amendment requested by the chairman. *"To avoid the same happening again the chairman asked the Clerk to ensure that he consults any Council member with a responsible position in that organisation before circulating a paper concerning that organisation."*

4336 Agenda 6:- Matters to report.

Cllr Willott asked if the minutes could be published shortly after the meeting. The clerk explained to members that they must be mindful that he only works 7.5 hrs a week, and the role of the clerk is not just writing minutes following the meeting.

There was some concern over the Dog Walk and the maintenance in this area. There was also some discussion about the installation of further dog waste bins. The clerk explained that he has ordered two further bins with MCC Waste Dep't, and they are ready to be installed. After some discussion it was:

Resolved: that Cllr Davies will meet with the clerk to consider the locations

4337 Agenda 7:-To receive the notes from site meeting with Monmouthshire County Council Highways held on Tuesday 3 October 2017.

Proposed: by Cllr Moorby seconded by Cllr Exton. The notes are accepted.

All those present Agreed

Agenda 8:- Matters to report

Cllr Jones gave members a verbal report following further discussion with Highways officers. She explained that a scheme will be drawn up and submitted for consideration in due course.

4338 Agenda 9:- Planning applications. (Please use the links to inspect the applications before the meeting. The Planning Authority do not supply hard copy)

- DC/2017/01094 Camelot, Kingcoed, Usk, New general purpose agricultural building for the storage of machinery and fodder

Members discussed this Planning Application. After some discussion it was proposed to offer no objection

- DC/2017/01146: The Garden House, Cefn Tilla, Road, Llandenny construction of stone and brick workman's hut into holiday cottage including the construction of a new extension

Members discussed this Planning Application. After some discussion it was proposed further information was needed.

- **DC/2017/00779:** Sugarloaf Barn, The Warrage, Raglan, Monmouthshire, Construction of new access into paddock and close existing, dangerous gateway. Siting of shepherds hut for Holiday Let use.

Members discussed this Planning Application. After some discussion it was proposed to offer no objection

- **DC/2017/01215:** Proposed tractor, combine and farm machinery storage building, Frank Sutton Ltd, Castle Garage Raglan

Members discussed this Planning Application. After some discussion it was proposed to offer no objection

- Vine Yard & Land Adjacent to Wernddu, Pen-y-clawdd, PORTAL FRAME AGRICULTURAL STORAGE BUILDING Application permitted

Members discussed this Planning Application. After some discussion the application was noted

4339 Agenda 10:- To note finance matters, including Income & Expenditure.

Payments in Sept & Oct	Amount
Clerks salary & HMRC Oct	
Merlin Waste control 11 & 25 September	40.68
Merlin Waste control 9 & 23 October	40.68
Clerks reimbursement mileage	8.70
Clerks reimbursement ink cartridge	34.99
Clerks travelling to site meeting with MCC Highways	8.70
Clerks reimbursement Postage	31.90
Clerks reimbursement mileage	9.60
Clerks overtime reimbursement Sept 18 hrs	
Clerks overtime reimbursement Oct to date 37.5 hrs	
Printing Costs for minutes and other documents	80.00
£100.00 Grant application from Llandenny Church	

It was: proposed by Cllr Davies seconded by Cllr Price the invoices are paid. All invoices were available for inspection

All those present agreed

4340 Agenda 11:-To consider obtaining a council laptop and printing, copying and scanning equipment

The clerk gave members a verbal report relating to the community councils equipment. After some debate it was:

Proposed: by Cllr Mooby seconded by Cllr Davies the clerk would obtain the relevant equipment with a budget of £1,100.

Resolved: the clerk obtain the relevant equipment

4341 Agenda 12:- Items of correspondence.

Welsh Government:

1. Reply from Welsh Government regarding A40 junction

Correspondence

2. Planning Aid Wales Annual Conference 2017
3. Email from a local resident relating to Station Road Raglan
4. One Voice Wales Training programme
5. Removal of large tree at Sunnyvale, Raglan

Members debated this matter and some members believe the tree should be removed and some members believe the tree should be pollard. After some discussion it was: Proposed the clerk contact the tree officer again.

6. IT seminar with One Voice Wales
7. MCC Press release over street lights
8. A465 Road Closures
9. Thoracic Surgery Services
10. MCC Press release Government approach to Funding
11. Burial Charges for Children
12. Review of Community & Town Council Sector
13. Public Services Ombudsman for Wales members Code of Conduct Guidance
14. Independent remuneration Panel for Wales
15. Boundary Commission for Wales proposals report 2018
16. Gwent Police report for Raglan
17. Welsh Language Commissioner.
18. Town and Village Greens - Meysydd Tref a Phentref
19. Royal Town Planning Institute
20. Gwahoddiad i gyfarfod y Fforwm Trethi/Invitation to Tax Forum meeting 12-2pm, 6 Dydd Llun
Tachwedd 2017/12-2pm Monday, 6 November 2017
21. Consultation on proposed amendments to the Local Authorities (Capital Finance & Accounting)
(Wales) Regulations 2003
22. RAGLAN Community Council: September 2017 Police Report. (OFFICIAL)

Members noted the correspondence

4342 Agenda 13:- Clay pigeon shooting, at Cefn Tilla court (Cllr P Jones)

Cllr Jones gave members a verbal report after receiving a number of complaints about the ongoing activities at Cefn Tilla Court and the number of days clay pigeon shooting takes place and the time of day. Cllr Moorby also expressed concern about the noise. He explained that local residents are recording the days these events are taking place. After some discussion it was:

Resolved: that the matter is monitored

4343 Agenda 14:- Allotment appeal up date (Cllr Willott)

The press and public under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media are excluded from the meeting.

The chairman gave members a verbal report on the current situation, and explained the community council

as appointed an independent appeal chairman, to preside over the appeal process. The appellant has been given two dates 16 and the 30 November. He explained that the appellant has indicated that she would prefer the 30 November. After some discussion it was:

Resolved: the appellant is informed what information is required from her.

4344 Agenda 15:-Clerks reports

The clerk presented several reports attached as appendix 1 and 2.

The clerk also informed members that Cllr Bevan asked if he could raise concern over parking in the lay-by at West-Lea. Cllr Bevan as received a number of complaints about non-resident parking in this area.

Resolved: the clerk should contact MCC Highways.

4345 Agenda 16:- Reports from members on outside committees

Cllr Moorby declared a personal interest in the following as a co-opted member from the community council.

Cllr Moorby gave members a verbal report regarding Raglan Village Hall Association and the grant application made process and the next phase in the Lottery Bid. There was some discussion over the membership of Raglan Village Hall Committee.

Cllr Jones explained that she has spoken to the person who arranged for the petition to be placed in the Post Office, and it is believed the petition has been removed. If an open meeting is convened they will have the opportunity to attend.

Cllr Price gave members a verbal report relating to the 100 year celebration of the Great War. Cllr Price informed members that she has been in contact with the Junior School, to express an interest in the celebrations in 2018. Cllr Price asked those members present, if they can ask family and friends if they have any information relevant to that time. Cllr Price will bring this matter back to the council with further information over the next several months.

4346 Agenda 17:- Report from the County Councillor

Cllr Jones gave members a verbal report regarding the A40 and the petition that was presented to County Council. Cllr Jones explained this matter will also be presented to the County Council Select Committee for consideration.

4347 Agenda 18:- Agenda items from members for inclusion on the next agenda as Standing Orders 9 (b)

Community Council Web-site

Date protection

4348 The Chairman thanked everyone for attending. The meeting closed at 21.15 hrs.

The date of the next meeting 22 November 2017

Signed by _____
Chairman
Date 22 November 2017

Reports to:- Raglan Community Council
Subject:- Members Code of Conduct
Report:- by the Clerk
Date:- 25 October 2017

Members will recall from the meeting on the 26 July 2017 I tabled a report. Members will also recall Cllr Butler-Donnelly sending me an email and copying all members into this email stating,

"Minute 4297 - I did not declare a prejudicial interest. I have checked the appropriate flowchart, and the key point is the term "Would a member of the public – If he or she knew all the facts – reasonably think that personal interest was so significant that my decision on the matter would be affected by it?". My position in the meeting was merely to clarify the facts and the report was withdrawn as it was not requested and erroneous. Therefore there was not any decision to be made. Please correct the Minutes"

Members will note from the email above, Cllr Butler-Donnelly asked for the minute was incorrect and I was to correct the minute. In the first instance it's not for any member to tell the clerk or any other officer to do anything of that nature. It for members of the community council to propose a motion and explains why the minute is incorrect.

You would have also noted Cllr Butler-Donnelly made the following statement:

Minute 4307 - The final section related to the RHVA is incorrectly recorded. Please delete this section as the report to which it pertains was not accepted by the council: There was no discussion about debt whatsoever before, during or after the meeting or in the paper that I provided.

Again Cllr Butler-Donnelly is demanding the minute is changed.

Cllr Butler-Donnelly has agreed that he handed a report to all members plus members of the public, and asked for the clerks report not to be considered and that the clerks report is withdrawn.

Members will recall from the meeting on 27 September, as Clerk and the Proper Officer I gave members a verbal report explaining that Cllr Butler-Donnelly did not comply with the members Code of Conduct, for a number of reasons. Cllr Butler-Donnelly refuted this as he believes he did not need to declare Personal and Prejudicial interests relating to Raglan Village Hall Association. After some debate as Clerk and Proper Officer I explained if Cllr

Butler-Donnelly thinks that he does not need to declare Personal and Prejudicial interests relating to this matter, as the Clerk and the Proper Officer to the community council I would ask for an objective test to be done.

I have asked the Monitoring Officer to look at the report, and the explanation why Cllr Butler-Donnelly stated he believes that he does not need to declare the relevant declarations.

The objective test is. If a member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have a Prejudicial Interest.

Objective test

Section from the Code of Conduct:

Any land in which you have an interest and which is in your authority's area (this is especially important in all planning matters including strategic plans);

A company, industrial and provident society, charity or body directed to charitable purposes,

Conclusion:

Yes, Cllr Butler-Donnelly is Chairman of Raglan Village Hall Association which has a contract for the Old School, which will be transferred as a Community Asset to Raglan Village Hall Association,

Cllr Butler-Donnelly as Chairman of Raglan Village Hall Association applied for Planning consent, submitted on behalf of the Raglan Village Hall Association and also attended meetings of the community council when the Planning Application was considered. *(Cllr Butler-Donnelly did not need to declare any interest at this time he was not an elected member)*

Yes, Cllr Butler-Donnelly is Chairman and Trustee of the Raglan Village Hall Association

Private club, society or association operating in your authority's area in which you have membership or are in a position of general control or management,

Yes, Cllr Butler-Donnelly is a member and currently Chairman of Raglan Village Hall Association, and therefore he holds a position of general control or management.

Section 8)(2) a relevant person is—
a member of your family or any person with whom you have a close association

Yes, Cllr Butler-Donnelly is wife is also a member of Raglan Village Hall Association

Section 8)(2) a relevant person is—
a member of your family or any person with whom you have a close association

Yes, Cllr Butler-Donnelly daughter was/is a member of Raglan Village Hall Association within the last three years, and Cllr Butler-Donnelly did not declare a personal or prejudicial interest on the register of interests

Section 12—(1) Subject to sub-paragraph (2),
where you have a prejudicial interest in any business of your council:—
(a) you must withdraw from the room or chamber where a meeting considering the business is being held:—

Regarding this section Cllr Butler-Donnelly did not withdraw from the meeting

(b) you must not seek improperly to influence a decision about that business.

Yes, Cllr Butler-Donnelly stayed within the meeting and made a number comments that have been identified above

A member will not be regarded as having a prejudicial interest in any business where that business— as your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or

Yes, regarding this section Cllr Butler-Donnelly as Chairman of Raglan Village Hall Association made a grant application for £3,500 and this application was awarded and Cllr Butler-Donnelly did not declare a personal or prejudicial interest and didn't withdraw from

voluntary organisations up to a maximum of £500.

the meeting room.

If members reasonably believe from the above sections a breach of the members Code of Conduct has occurred, member/s must report it to the Monitoring Officer of the Principal Authority. In order to have a reasonable belief that a breach of the Code of Conduct has occurred, members will need to have evidence which supports this. You will note from the above sections Cllr Butler-Donnelly has breached the members Code of Conduct where a personal and or prejudicial interest declaration should have been declared. Members must be mindful the Code of Conduct clearly states "*An allegation that a member has breached the Council's Code of Conduct must be sent to the Public Services Ombudsman for Wales ("the Ombudsman") for initial investigation*".

All members must be mindful about the members register of interests, and members should declare their interests or the interests of a close personal associate including friends, relatives, business associates and those with whom you have been in dispute.

Discussion relating to the report.

The chairman asked could the member apologise to the community council. The clerk explained it was for any councillor to declare the relevant interest and if a breach as accrued. The report is clear what the members Code of Conduct says.

The chairman stated that he would speak to Cllr Butler-Donnelly about this matter.

Resolved: The clerk report is noted.

Reports to:- Raglan Community Council
Subject:- Custodian Trustees of Raglan Village Hall
Report:- by the Clerk
Date:- 25 October 2017

Members will be mindful of the report I tabled to council on the 25 July 2017, and the subsequent replies Cllr Butler-Donnelly has made in relation to the trusteeship. Cllr Butler -Donnelly stated in the July meeting that if the report was published it could jeopardise the reputation of Raglan Village Hall Association. In the email dated 25 September Cllr Butler-Donnelly made reference to Minute 4307, stating the minute was incorrectly recorded, with particular reference to the clerk's report. Members may recall the following statement, Cllr Butler-Donnelly made; if the new hub/village hall goes "tits up" Raglan Community Council are custodian trustees.

Cllr Butler-Donnelly states that Raglan Community Council as a corporate body are custodian trustees of any land or asset that Raglan Village Hall Association may hold. Cllr Butler-Donnelly was very clear Raglan Village Hall Association holds no title deed to any land or buildings at the present time. He also stated in the event that Raglan Village Hall Association is disbanded or ceases to exist, Raglan Village Hall Association Managing Trustees (if agreed), could pass the asset/s to Raglan Community Council.

The extract below you will note is from the conveyance document:

One thousand nine hundred and seventy-three Between Monmouth Diocesan Trust whose Registered Office is situate at 7 Clytha Park Road, in the County Borough of Newport (hereinafter called "the Vendor") of the one part and The Parish Council of Raglan United in the County of Monmouth (hereinafter called "the Council") which expression "shall" where the context so admits include the Council's successors in title of the other part

WHERE AS the Council holds the sum one thousand two hundred, pounds which has been raised by voluntary contributions upon trust for the' provisions and maintenance of a village hall and WHERE AS the Vendor is seised in fee simple in possession of the property shown edged red in the

plan attached hereto subject as hereinafter mentioned but otherwise free "from incumbrances AND WHERE AS the Vendor has been in possession of the property shown hatched black on the plan for twelve years and upwards "without" acknowledgement of, the title of any other person thereto AND WHERE AS; the Vendor has agreed to sell to the Council at the price of One thousand two hundred pounds both the land, shown edged red and the land" shown. hatched' black AND' WHEREAS the Council has requested the Vendor to convey 'the said' property in manner and upon the' trusts here in after appearing

2. The Parish Council of Custodian Trustee Raglan United shall be the custodian trustee of the- charity Committee and the provision of sub-section 2 of section 4 of the Public Trustees Act 1906, shall apply to the said Council and to the Committee respectively in like manner as they apply to the Public Trustee and managing trustees and managing trustees.

3. 1) Except as hereinafter, In this clause provided the Committee shall consist of ten elected members and fifteen representative members, and may include not more than five co-opted members.

This custodian trusteeship related to the former Jeffrey's Hall, and the community council were holding the original sum of one thousand two hundred pounds relating to this charity. The last administration believed the community council discharged that responsibility when the fund was returned to Raglan Village Hall Association in 2014, and Raglan Village Hall Association removed members of the Community Council from the Charity register.

Section 4)(d) states:

"The custodian trustee shall concur in and perform all acts necessary to enable the managing trustees to exercise their powers of management or any other power or discretion vested in them (including the power to pay money or securities into court), unless the matter in which he is requested to concur is a breach of trust, or involves a personal liability upon him in respect of calls or otherwise, but, unless he so concurs, the custodian trustee shall not be liable for any act or default on the part of the managing trustees or any of them":

If Raglan Village Hall Association is saying that Raglan Community Council are still custodian trustees, for a point of transparency, Raglan Village Hall Association should be issuing minutes and written updates so Raglan Community Council are fully appraised of the current liability the community council may have as custodian trustees.

Under section 4 (d) All sums payable to or out of the income or capital of the trust property shall be paid to or by the custodian trustee: Provided that the custodian trustee may allow the dividends and other income derived from the trust property to be paid to the managing trustees or to such person as they direct, or into such bank to the credit of such person as they may direct, and in such case shall be exonerated from seeing to the application thereof and shall not be answerable for any loss or misapplication thereof:

As the responsible officer I have concern that Raglan Village Hall Association is stating Raglan Village Hall Association could place the Community Council in a financial risk situation, if the current project fails or in Raglan Village Hall Association chairman's words are disbanded or ceases to exist.

I would strongly recommend that members of the community council exercise due diligence for the increased risk. When the conveyance document was signed on 16 February 1972 and registered the risk was for one thousand two hundred pounds. The current risk to the community council is an unknown figure, but estimated to be in excess £1m. If the community council continue to have a liability as custodian trustees, members must be mindful, the liability for any debts, running costs and expenses, could fall to the community council. These are unknown figures, which cannot be estimated at present. The current management trustees as everyone is aware, have submitted grant applications for substantial amounts of finance to construct the new hub/village hall.

Recommendations:

- The community council seeks legal advice regarding the conveyance document and the continuance of the custodianship.
- The community council seeks legal advice relating to the current risk to the community council.

- The community council seeks legal advice regarding the membership and charitable status.
- The community council contacts the council's insurance company about the current risk level.

After some discussion it was:

Proposed: by Cllr Moorby seconded by Cllr Price that the recommendation are agreed and legal advice is sought

Resolved: The clerk seeks legal advice on behalf of the community council.

All those present agreed

Reports to:- Raglan Community Council
Subject:- The Data Protection Act 1998 and councillors email accounts
Report:- by the Clerk
Date:- 25 October 2017

A number of councillors have made reference to the email accounts set up using the councils address. The Data Protection Act 1998 regulates the holding and processing of personal data and information that relates to living individuals.

Persons and organisations that include Community and Town Councils who process personal data covered by the 1998 Act are required to notify the Information Commissioner's Office, if members have a corporate email address that email falls within that registration. A description of the processing activities is placed on a public register of notifications. Members along with the Community Council or organisations must also comply with the eight Data Protection principles which form a framework for the proper handling of personal data.

Personal data is defined as data which relates to a living individual who can be identified from the data or from the data and other information which is in the possession of, or is likely to come into the possession of, the data controller. Processing data includes retaining, recording or holding information or carrying out any operation or set of operations on the data. It includes organising, adapting and amending the data, retrieval, consultation and use of the data, disclosing and erasure or destruction of the data.

The data controller should determine the purposes and manner in which the personal data is processed. Members must be mindful it is clear that councils are affected by the provisions of the Data Protection Act in a multitude of ways. Personal data may be as simple as holding someone's name and address but in addition includes amongst other things details of complaints, lists of contacts, employee/personnel records and information provided for the purpose of placing a contract to which the data subject is a party.

A person is classed as a data subject, where information relating to him/her is held and is entitled usually to be informed by any data controller what information is held on him/her if a payment of a fee of £10 is paid. and:

- a description of the data,

- a copy of the information in an intelligible form.

The person is also entitled to request and receive information pertaining to:

- the purposes for which the data is being held;
- the recipients or classes of recipients to whom it may be disclosed; and
- the source of the data.

The main point members must be mindful of if the Information Commissioner is satisfied that a data controller i.e. the clerk in this case has breached the legislation it is open to that Office to serve an enforcement notice requiring compliance. Failure to comply with such a notice can be a criminal offence punishable with a fine. In addition, the court and Commissioner have power to award compensation to data subjects who suffer damage and distress as a result of any contravention by a data controller of any of the requirements of the Act.

It can be seen whilst exemptions to the requirement to notify exist, NALC takes the view that local councils will be hard pressed to argue that all their data processing falls within the scope of those exemptions. In short this is because the community council are like all local authorities that hold such a wide range of information. Community Councils will need to take steps to notify the Information Commissioner Office if they have not already done so. To reiterate this will mean councils forwarding to the Information Commissioner:

- The council's name as the data controller with a named contact within the council and that person's contact details,
- The reasons why it is holding or processing data,
- Whether the data will be disclosed, and to whom,
- The names of any countries outside the EEA to which data may be transferred;
- Details of how data will be kept secure.

Where community councils are holding and processing Personal Data relating to individuals in the course of undertaking council business elected members will be covered by the authority's notification and have the same responsibilities with regard to Data Protection as an employee of the Authority.

Elected members who process electronic personal data in an individual capacity (i.e. where they are acting on behalf of their council) are likely to qualify as data controllers and they would individually need to notify the Information Commissioner's Office. In short if members wish to retain their own personal email address for undertaking council business, you should be mindful that you register with the Information Commissioner as a data controller, to comply with the relevant Acts and regulations.

Resolved: The clerk report is noted

**Raglan Community Council
Action Points from meeting dated. 26 October 2017**

	Action	Allocated to	Date issued	Status	Comments
1	Footpath Surface at Caestory Avenue	Clerk	26 April	Ongoing	Waiting response from MCC
2	Llandenny Notice board	Clerk	26 April	Ongoing	First Notice Board rejected
3	Letter to be sent individuals relating to allotments	Clerk	27 Oct	Ongoing	Letter discussed in Allotment meeting
4	100 th Anniversary committee meeting	Cllr Price	28 June	Ongoing	Ongoing with Cllr's Price and Davies
5	Highways Committee meeting	Clerk	28 June	Ongoing	Emails sent to MCC Highways
6	Christmas lights bracket	Cllr Watkins	27 Sept	Ongoing	To obtain a bracket
7	Legal advice relating to the continuance of the custodianship.	Clerk	27 Sept	Ongoing	Contact a Solicitor
8	Christmas lights	Clerk	27 Sept	Ongoing	Contact contractors
9					
10					