

Raglan Community Council
Notes from a Meeting held on Thursday 28 April between the Chairs of
Raglan and Gwehelog Community Councils.
This meeting was conducted electronically
at 7:00 pm

Present

Cllr Adrian Merrett, Chair Raglan Community Council

Cllr Richard Marfell, Chair Gwehelog Community Council

In attendance:

Adrian Edwards, Clerk to Raglan Community Council

Nicola Awin, Clerk to Gwehelog Community Council

Cllr Merrett asked the Clerk from Raglan Community Council if he was going to chair this meeting. The Clerk explained that there is no agenda and he not fully aware of what the objective of the meeting is going to be about.

The Clerk from Gwehelog Community Council explained that this meeting was recommended by the HR consultant from One Voice Wales following a meeting that was convened between both chairs and the Clerk from Gwehelog, as there would appear to be several matters that need to be agreed relating to the TUPE process and what is going to happen post the 5 May.

The Clerk from Gwehelog explained that she has several points that need to be raised. Cllr Merrett explained that if there are several topics each topic can be addressed.

Topic one:

Council insurance and the insurance for the notice boards in Gwehelog along with the current laptop Gwehelog has and will Raglan Community Council have the insurance cover.

It was explained that those items that are transferred will be included on the asset register and therefore be automatically included on the insurance cover.

Topic two:

Did Raglan Community Council consider and approve the governance paper that was sent to Raglan Community Council, so it can be signed and returned for the record.

It was explained that the governance document wasn't discussed in great depth and the document wasn't signed.

Cllr Merrett explained that it wasn't discussed in great depth. He provided an overview of the meetings that he has attended over the last several months. Cllr Merrett asked is there is anything fundamental that needs to be discussed this evening and is there anything he should be aware of in its content.

The Clerk from Gwehelog explained that it agrees to the fundamentals of the disbandment of Gwehelog Community Council. It was explained that this would need to be signed by the three Community Councils and Gwehelog would know where there were heading going forward. The Clerk from Gwehelog has confirmed that Llanarth Community Council have agreed to the documents.

The chair of Gwehelog Community Council stated that it was important to get this signed and agreed before the deadline, which he believed was the Community Councils last council meeting. He made a comment that Raglan Community Council have been dragging their feet all the way through this process and placing obstacles in the way. He said that Gwehelog and Llanarth Community Councils have been forthcoming during the process and putting all the details together.

He explained that Raglan Community Council have been hiding behind the pre-election period, Covid, illness and holidays. He explained that Raglan Community Council have not had any positive input into any of transfer process.

Cllr Merrett explained that he would challenge those comments when Raglan Community Council Clerk convened meetings and tried to convene further meetings and those meeting requests have been rejected. He explained following the meeting with One Voice Wales, he was the person that pressured One Voice Wales for HR support.

Gwehelog chair stated that Raglan Community Council didn't pressure support from One Voice Wales, that pressure came from Llanarth Community Council. Cllr Merrett explained that he wasn't aware that Llanarth Community Council had any input into this, and it was explained that Raglan Community Council haven't been in the loop trying to resolve this matter.

It was explained that if that was the case Raglan Community Council have not been included in any correspondence trail and Raglan Community Council have not been informed of any actions by others.

It was explained that the contents of the papers would need action and agreement from Raglan Community Council so there are three signatures on the documents confirming that all the Community Councils agree.

Cllr Merrett asked for clarity on which document is being discussed. It was confirmed the document is the 5-page document with the governance, financial review and the financial split of the residual funds. It was explained that Gwehelog have done their part of the process, and this has been done following the advice of an officer from Monmouthshire County Council.

The Clerk from Raglan Community Council expressed disappointment by the comment made by the Chair of Gwehelog that Raglan Community Council haven't shown any interest and have placed obstacles in the way of the process. He explained that he on behalf of Raglan Community Council has proposed convening meetings and those meetings have been rejected or dismissed. For example, the chair from Llanarth Community Council on the 14 April stated, "*I see no need for any other meeting at this busy time*" and no further meeting has been convened and no papers have been distributed which Raglan Community Council have been copied into. He also proposed that a meeting was convened on the 4th May so the minutes from Gwehelog Community Council could be agreed as a true and accurate record and this was also dismissed.

The chair from Gwehelog indicated that he had not seen any emails from Raglan Community Council, and he also made comment that the Clerk from Raglan Community Council was going to send information following a meeting in February 2022.

Raglan Community Council Clerk explained that the emails were sent and those in the email trail saw the emails and proposals, as replies were received on the 14 Apr 2022, at 12:24, and 13:25. Therefore the Clerk from Raglan Community Council expressed disappointment in the comments made by the Chair of Gwehelog Community Council.

It was asked why Llanarth Community Council wasn't invited to this meeting, so the documents and the proposes funding split could be discussed. It was explained that the HR consultant didn't believe that was a requirement for this meeting.

There was a question about if all the Community Councillors can agree to sign something considered to be making a finance decision when all the councils are in the pre-election period. It was said no, councils cannot make decisions like this in a pre-election period. That is why it has been asked on several

occasions that this was discussed and agreed in principle before the 16 March 2022. It was said that if Raglan Community Council doesn't sign the agreement it will need to go to arbitration against itself.

It was said that clerks, councillors or anyone else doesn't make the rules regarding the election process, this process is a lawful Act, and Community Councils and everyone involved need to comply with the process. It was explained that this matter was raised in November 2021 when the first of two meetings was arranged by One Voice Wales and Monmouthshire County Council, and no-one would offer guidance nor any advice to Raglan Community Council.

It was said that Raglan Community Council cannot sign a formal document when it hasn't had any input into the formation of the document and have concern over several sections. It was said if Raglan Community Council doesn't want the split it will need to be transferred to a holding account until this matter can be resolved.

The chair of Gwehelog asked if members of Raglan Community Council do not think this is important to discuss.

It was said a members believe it is very important and understand the process but members from Raglan Community Council have not had the opportunity to have input into the process. This has just been sent to the Community Council and asked to sign it.

The chair of Gwehelog said that Raglan Community Council have asked questions before the transfer become lawful in December 2021. The Clerk from Raglan Community Council said the transfer was submitted to the Welsh Government in January 2020 and the Minister signed the document in October 2021.

The Clerk from Gwehelog will send the Gwehelog audit to attach to the proposed governance document. It was explained if that is the case that will be recorded, but Raglan Community Council will also have a statement attached for audit trail.

The Clerk from Raglan Community Council explained that he will contact the monitoring officer from Monmouthshire County Council and One Voice Wales for advice that Raglan Community Council can debate this proposal, and if this is lawful, a special meeting will be convened at short notice.

It was explained that members from Raglan Community Council have received several reports relating to this process, and in January 2022 letters were sent to the Clerk and chair of Gwehelog addressing several points. Those letters have not been replied to and the letters were presented to the Gwehelog meeting in February 2022.

Cllr Merrett asked several questions arising from the proposed documents that have been sent for discussion. He asked about the number of dwellings, being 73 properties, being transferred to Llanarth and 136 properties being transferred to Raglan and the residual funds are split proportionately between both successor councils. Cllr Merrett believes that the document should be amended to include the full and current balances.

It was explained that the document cannot be amended to show the balances, as this will need the other councils to agree the amendment.

It was said if that is the case, that's the case, everyone is saying that a clear audit trail is required but the balances sent to the three councils are not accurate as the amounts have been amended in the last Gwehelog meeting (27 April).

It was agreed that a supplementary document will be sent for Raglan Community Council members to consider.

Cllr Merrett asked if Gwehelog can confirm the accurate figures following their last meeting. It was confirmed that the balance that will be forwarded to Raglan Community Council will be £2,515.90 and £1,350.45 to Llanarth Community Council.

The chair of Gwehelog indicated that Raglan Community Council could have worked out the split of the residual funds before this meeting. A question was asked how that could have been done if Gwehelog only confirmed the figures in their last meeting (27 April).

A question was asked should any residual funds go to Llanarth when Raglan Community Council will be taking over the employment status of the Clerk, when the other successor council will have no ongoing employment costs. There was some discussion on this point.

It was explained that community councillors are volunteers and don't have the knowledge to undertake this process and the employment status of those going through this process. Therefore, that is why advice has been sought during the last several months.

Cllr Merrett asked the Raglan Clerk if he can sign this document on behalf of the Community Council. It was explained that members from the Community Council will need to agree the document is signed on their behalf. The chair cannot be delegated powers to act on behalf of the Community Council.

If Cllr Merrett is content for a special meeting to be convened, he will convene a special meeting, but if there are members of the Community Council are not content to sign this document what will be the way forward.

A question was asked about the differences in the balance on the accounts, and it was explained that the final figure in the bank is £3,866.35 and the account will be closed on Tuesday 2 May and the cheques will be drawn and presented to both successor councils.

It was asked how the cheque will be transferred; one question was asked is it possible to do a BACS transfer to Raglan Community Council. It was felt that this wouldn't be possible, therefore it was explained that Raglan Community Council Clerk would arrange to meet Gwehelog Clerk at the bank to collect the cheque and provide a receipt of payment. The Gwehelog Clerk will inform the Raglan Clerk of the day and time before the meeting.

If this isn't possible Raglan Community Council will contact the Community Council legal adviser to counter sign the receipt if there is some concern over the transfer of the funds.

The Clerk from Gwehelog asked about the TUPE process and what's going to happen. Cllr Merrett explained that the transfer will automatically take place.

It was explained that papers will be sent to the Clerk with details of the arrangements and the formal transfer, and the papers can be attached to the contract of employment. It was explained that the corporate body been the Community Council doesn't have a copy of the employment contract at this time. The chair of Raglan Community Council may have a copy, but the Community Council doesn't have a copy and consideration needs to be given to personal data and the requirements of GDPR and the ICO. The chair of Raglan Community Council was unable to confirm if he has copies and if the HR consultant sent him a copy, therefore can the Gwehelog Clerk send him a copy.

It was explained that the new council will then consider any job description when the new chair and members are appointed. The Gwehelog Clerk said that Raglan Community Council cannot change her contact or job description without notice.

There was some discussion over the audit process, and the auditor will need the audit before the 18 May has the auditor will be unavailable after that date.

A question was asked about the audit fee and was that fee taken out and set aside before the residual funds were split between both successor councils. It was noted that no audit fees have been set aside to pay the fees for the 2021/22 audit. It was said that it is for Raglan Community Council to manage the payment of any fees it's not for Gwehelog to manage that process.

It was explained that members of Gwehelog were aware that an audit would need to be paid for, therefore it would have been prudent to set-aside the fees for the internal and external audits before splitting the residual funds.

The Clerk from Gwehelog also explained that the external audit for 20/21 hasn't been paid and is still outstanding, therefore there will be two audit fees plus the internal audit for 21/22. Cllr Merrett explained that these audit fees should be ringfenced before the residual funds were split so there are funds available to cover the outstanding audit fees for 20/21 and 21/22.

The response was Raglan Community Council will need to talk to the other successor council about this issue. A discussion took place with a range of views being expressed by those present.

There was some discussion over the Gwehelog website and there are no costs outstanding for the website. It was explained that this will be considered by the members of the Raglan Community Council.

The Chairman thanked everyone for attending. The meeting closed at 20:40 hrs.

Signed by _____

Chairman
Date 11 May 2022

Please note: these notes are a summary of the above meeting, and a record of the decisions or resolutions moved. These minutes are not to be taken as a verbatim record of the meeting.

