

# Holme Valley Parish Council

## MINUTES OF SPECIAL MEETING OF THE COUNCIL HELD ON MONDAY, 16 APRIL 2018

Those present:

Chairman: Cllr JG Cropper

Councillors: Cllrs S Baggott, DK Bellamy, K Bellamy, T Bellamy, E Bunbury, P Davies, RP Dixon, TW Dixon, SN East, DM Firth, D Hall, R Hogley, M Pogson, J Roberts and T Walshaw

Clerk to the Council: Mrs S S Barber

### **1718 110 Public Bodies (Admission to Meetings) Act 1960 amended by the Openness of Local Government Bodies Regulations 2014**

As Council meetings can now be recorded, the Chairman checked if anyone wished to do so, to enable reasonable facilities to be provided if necessary. It was noted that the Clerk would be recording the meeting (for Minute purposes only) and the recording would be deleted once draft Minutes had been ratified. Two Members of the Council confirmed that they would be recording the meeting as well.

Three members of the public were present.

### **1718 111 To accept apologies for absence**

Apologies for absence were accepted from Cllrs J Brook, G Christofi, C R Greaves, CM Kaye and R Rogers.

### **1718 112 To receive Members' personal and disclosable pecuniary interests in items on the agenda**

Cllrs S Baggott, JG Cropper, E Bunbury and J Roberts declared a personal interest in any items referring to Holmfirth Civic Hall Community Trust.

Cllr DK Bellamy declared a personal interest in any items bound by Purdah. She also stated that, as the Clerk had been a previous employee of Holmfirth Civic Hall Community Trust (HCHCT) the Clerk should also declare an interest in any items referring to the Trust. The Clerk reminded Members that this agenda item was for them to declare interests and there was nothing in statute to compel the Clerk to make such a declaration (and had never been employed by HCHCT).

### **1718 113 To consider written requests for new DPI dispensations**

None received.

### **1718 114 To consider whether items on the agenda should be discussed in private session**

RESOLVED: That, after members of the public be allowed to address Members, Item 6 (Holmfirth Civic Hall) be taken in private session, owing to the confidential nature of the matters to be discussed.

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## **1718 115 Holmfirth Civic Hall**

To allow the members of the public to speak, it was agreed to suspend Standing Orders intermittently. Three members of the public then addressed Members and various Members of the Council responded to the views they expressed.

A debate then followed on the specific nature of the business to be considered on the agenda and whether there could be any breaches of Purdah rules and data protection, due to references to individuals without their permission. Cllr D Bellamy stated that she did not think the meeting should go ahead. The Chairman noted that she had sought the advice of the Head of Kirklees Legal Services, who had told her that there was no reason why the meeting should not go ahead.

The advice already sought by the Clerk from Kirklees Council and YLCA (distributed earlier in the day) also found there was no reason why the meeting could not go ahead. Some Members stated that they did not accept that advice and would prefer specific legal advice from a solicitor, so the meeting should be postponed until such time as that legal advice could be provided.

Standing Orders were resumed.

A motion to defer this meeting until legal advice has been sought on “breaches of Purdah and data protection” was proposed by Cllr D Bellamy and seconded by Cllr E Bunbury. A recorded vote was accepted.

RESOLVED: That, with Cllrs DK Bellamy, K Bellamy, T Bellamy, E Bunbury, DM Firth, D Hall, J Roberts and T Walshaw in favour of the motion and Cllrs S Baggott, JG Cropper, P Davies, RP Dixon, TW Dixon, S East, R Hogley and M Pogson against the motion, it was a tied vote; the Chairman then used his casting vote against the motion, so the motion was not supported and the meeting continued.

The three members of the public asked for the opportunity to address Members further and Standing Orders were once again suspended, to allow them to do so. One member of the public reiterated the point already made earlier, that all civic servants, NHS employees, local government employees, parish councillors, Kirklees councillors and every public body are bound by Purdah.

The three members of the public then left the meeting.

## **1718 116 Exclusion of Public and Press**

RESOLVED: That the business of the Council now to be transacted be not open to the public or press on the grounds that the matters to be considered are of a confidential nature.

The Chairman asked those people recording the meeting to turn off their recording devices. The Clerk would continue to record the meeting, for Minutes purposes, and in case the need arose to refer any matters to the Kirklees Monitoring Officer.

## **1718 117 Holmfirth Civic Hall**

The Chairman explained the reasons why he had called the meeting, and it was agreed by all Members that there would be no mention of specific individuals' names during the meeting and in the minutes, for data protection reasons.

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Due to the recent resignation of a member of Holmfirth Civic Hall Community Trust (HCHCT) the Council needed to reassure itself, as Landlord of the building and a major financial contributor, that the Trust had a plan in action to replace that person as soon as possible, so that it could continue to function effectively.

Members welcomed the news that the Trust was now making approaches to local professional practices, to act on the Trust's behalf.

RESOLVED: (1) That the Clerk be authorised to write to the Chairman of HCHCT, to request assurances as detailed above, and to recommend that the Trust should be independent and non-political, being run by the community for the community; an appropriate statement to be published on the Council's website to that effect.

The Chairman then raised the concerns of the member of the Trust who had resigned, about a breach of data protection and other serious accusations which had been made at a recent Trust meeting, which could have a direct impact on the Parish Council, as owner of the building. The Chairman also read out a letter from another member of the Trust, expressing their similar concerns about the allegations made.

It was further RESOLVED:

(2) That the Trust be asked to investigate the allegations, through their formal complaints procedures, and to take any actions deemed necessary to comply with existing data protection legislation and the new General Data Protection Regulation (which comes into force on 25 May 2018).

(3) That the Trust should be asked to encourage the person who made the allegations to report them to the police; if they are not willing to do so and cannot provide any evidence of any fraudulent activity, they should be asked to formally withdraw their accusations and apologise to those concerned.

(4) That, in parallel with (2) above, the Parish Council would carry out its own investigation and, only after all internal procedures have been exhausted, should the matter be referred to the Charity Commission if necessary.

## **1718 118 Re-admittance of the Public and Press**

RESOLVED: That the public and press be re-admitted to the meeting.

## **1718 119 Freedom of Information Act 2000 – to agree what information will be made available to the public**

RESOLVED: That, under the Council's Publication Scheme, supporting papers for any item within the public session of the meeting be made available, if requested, after confirmation of the minutes.

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Chairman