

Holme Valley Parish Council

MINUTES OF MEETING OF THE COUNCIL HELD ON MONDAY, 23 JULY 2018

Those present:

Chairman: Cllr D Hall

Councillors: Cllrs S Baggott, D K Bellamy, K Bellamy, J Brook, E Bunbury, J G Cropper, P Davies, R P Dixon, T W Dixon, S N East, D M Firth, C R Greaves, R Holey, M Pogson, J Roberts, R Rogers, J B Sweeney, T Walshaw, D Yates, R Young

Clerk to the Council: Mrs S S Barber

1819 30 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. No-one wished to do so, other than the Clerk who would be recording the meeting for Minute purposes (only) but the recording would be deleted once draft Minutes had been ratified.

1819 31 Public Question Time

One member of the public was present and addressed Members on his application to be co-opted to the Council – Honley South Ward (item 6 on the Agenda).

A Member of the Council addressed Members on matters relating to the draft Neighbourhood Development Plan, which would be referred to the next meeting of the Neighbourhood Plan Steering Group.

Another Member of the Council raised a question of what was happening to the Holme Valley Land Charity's funds but, as this was a Council meeting, not a Land Charity meeting, she was advised to raise her queries at the next Land Charity Trustee meeting

1819 32 To accept apologies for absence

Apologies for absence were accepted from Cllrs T Bellamy and G Christofi.

1819 33 To receive Members' personal and disclosable pecuniary interests in items on the agenda and to consider any written requests for new DPI dispensations

None received.

1819 34 To consider whether items on the agenda should be discussed in private session

RESOLVED: That Item 13 (Staffing Matters) be taken in private session, owing to the confidential nature of the matters to be discussed.

1819 35 To Co-opt New Member – Honley South Ward

Members noted that the Council had only received one application for the Casual Vacancy for the Honley South Ward and that candidate had addressed Members earlier on his aims

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and objectives if he was co-opted.

RESOLVED (UNANIMOUSLY): That Dr Joseph Bernard Sweeney of 56 Long Lane, Honley, Holmfirth HD9 6EA be co-opted to serve on the Council as representative for the Honley South Ward for the remainder of the current term of office, namely until May 2019.

Dr Sweeney had previously been provided with a copy of the Council's Code of Conduct and the Clerk had checked and confirmed his eligibility. He signed his Declaration of Acceptance of Office, confirmed that he would abide by the Code of Conduct and took his seat on the Council. The Clerk would inform Kirklees Electoral Services of the co-option accordingly.

1819 36 To confirm the Minutes of Council Meetings

RESOLVED: That the minutes of the Council meeting held on 21 May 2018, numbered 1819 15 to 1819 29 inclusive be approved.

1819 37 To confirm the Committee Minutes under delegated powers

(1) RESOLVED: That the Minutes of the Community Asset Support Committee meetings held on:

- (a) 18 June 2018, numbered 1819 01 to 1819 14 inclusive be confirmed.
- (b) (Special Meeting) held on 26 June 2018, numbered 1819 15 to 1819 21 inclusive be confirmed, subject to a minor amendment as agreed (Minute No. 1819 20(2)(ii)).

(2) RESOLVED: (a) That the Minutes of the Finance & Management Committee meeting held on 11 June 2018, numbered 1819 01 to 1819 22 inclusive be confirmed.

(b) That the Clerk be authorised to progress the invitation to a Kirklees Planning Officer to attend the Council meeting on 10 September 2018, to address Members on the Community Infrastructure Levy (CIL); it was vital for the Council to be better informed on CIL before next year's budget preparations.

(3) RESOLVED: That the Minutes of the Planning Committee meetings held on:

- (a) 21 May 2018, numbered 1819 01 to 1819 14 inclusive be confirmed.
- (b) 18 June 2018, numbered 1819 15 to 1819 30 inclusive be confirmed.
- (c) 16 July 2018, numbered 1819 31 to 1819 47 inclusive be confirmed.
- (d) That it be noted that a response had been received from Kirklees Council regarding regeneration of Holmfirth town centre and the Parish Council's concern at the number of unused shops becoming an eye-sore (Minute No. 1819 11(2)). The response would be considered at the next Planning Committee meeting.

(4) RESOLVED: (a) That the Minutes of the Publications & Communications Committee meeting held on 4 June 2018, numbered 1819 01 to 1819 16 inclusive be confirmed.

(b) That it be noted that the Vintage Dinner (Minute No. 1819 08(2)(iii) refers) would be postponed to November or December 2018; the lead Members (Cllrs J Brook and E Bunbury) to report to the next Publications & Communications Committee meeting (24 September 2018) on progress of arrangements.

(c) That, once the deadline of 30 September 2018 has been reached, the Committee be authorised to decide what to do with any surplus grant funding (to commemorate the 100th anniversary of the end of WW1), e.g. to subsidise the Vintage Dinner referred to above.

(5) RESOLVED: That the Minutes of the Service Provision Committee meeting held on 9 July 2018, numbered 1819 01 to 1819 22 inclusive be confirmed.

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(6) RESOLVED: That the Minutes of the Staffing Committee meeting held on 11 June 2018, numbered 1819 01 to 1819 14 inclusive be confirmed.

1819 38 Reference from a Committee

(1) Grant awarded to Honley Business Association towards the Christmas light switch on event 2018 (Finance & Management Minute No. 1819 05 refers): Members considered the Committee recommendation on the Virement of £1,000 from the Finance & Management Grant budget to the Service Provision Christmas budget.

RESOLVED: That the virement of £1,000 from the Finance & Management budget to the Service Provision Christmas budget be approved.

(2) Suffrage project (within Budget provision 2018-19) to commemorate the 100th Anniversary of Women's Vote Publications & Communications (Minute Nos. 1718 61(2) and 1819 08 refer): An update from the Chairman of the Publications & Communications Committee had been distributed, detailing arrangements for the project and associated costs, within the budget previously agreed at full Council on 5 February 2018. Almost 400 women (from a few months old to over 90 years old) had sent in their photographs, which had been collated and incorporated into a design by a local artist. The project had been a great opportunity to engage with all ages across the Valley. The final image produced includes all those who participated, to form an overall picture including the 'Baby Suffragette' Dora Thewlis (originally from Honley) and reflecting the suffrage movement and why it was so important.

RESOLVED: (a) That a permanent display board be put up outside Honley Library (subject to any necessary permission) and large posters purchased to be made available for display in places other than just Honley, e.g. Parish Council Offices, Holmfirth Library, both High Schools and other locations around the Valley, with all associated costs approved.

(b) That an official launch event should be held at Honley Library on 5 October 2018, with the local MP, Thelma Walker, invited.

(c) That the purchase of additional posters be approved, for the posters to be available for sale at Holmfirth and Honley Libraries at £1 each; any funds raised to be used to subsidise the launch event, particularly if a larger venue needs to be hired and more refreshments arranged (depending on numbers likely to attend).

(d) That Cllr R Hogley be congratulated for organising this project, and the project and launch to be celebrated and publicised as much as possible around the Valley.

(3) Service Provision (SP) Grant Scheme and Criteria (Service Provision Minute No. 1819 10 refers): The Committee's recommendations on approval of the new SP Grant Scheme and Criteria were considered.

RESOLVED: That the Grant Scheme and Criteria, latter subject to a number of amendments as agreed, be approved and adopted.

(4) Staffing Committee Appointments (Staffing Committee Minute No. 1819 07 refers): Members noted that a Chairman of the Finance & Management Committee had now been appointed and that the overall membership of the Staffing Committee, together with appointments of a Vice Chairman of the Committee and a Staff Development Review Co-ordinator could now be considered.

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RESOLVED: (a) That Cllr R P Dixon be appointed Vice Chairman of the Staffing Committee.
(b) That Cllr J G Cropper be appointed Staff Development Review Co-ordinator for the ensuing year.

(c) That the Staffing Committee now comprises Cllrs J G Cropper (Chairman of the Committee), R P Dixon (Vice Chairman of Committee), S Baggott, D K Bellamy, K Bellamy, T Bellamy, T W Dixon, D Hall, R Hogley and J Roberts, with no vacancies.

1819 39 Matters arising from previous Minutes

(1) Honley Village Community Trust grant application regarding memorial bench (Finance & Management Minute No. 1718 86(2)(a) refers): The Clerk updated Members on funding agreed at the Committee meeting on 19 March 2018 towards a remembrance seat which would not be ordered/installed by the Community Trust until after 1 April 2019 (in time for 'Honley Remembers' weekend - 20/21 July 2019). The Clerk/RFO asked Members to confirm whether the funding should be earmarked at the end of this financial year for purchase of the seat immediately after 1 April 2019, or whether funding in this year's budget should be re-allocated elsewhere but budget provision made in 2019-20 for the seat.

RESOLVED: That £1,000 be earmarked at the end of this financial year, if the grant funding for the seat has not already been provided by 31 March 2019.

(2) Due to the lack of Committee meetings over the summer, Members were asked to consider the following:

(a) Issue re Holmfirth Library lift being out of order long term: It was RESOLVED: That a letter be sent by the Clerk to the Chief Executive, Kirklees Council raising the Council's concerns that the lift has been out of order for the last month and there are no apparent plans to repair it. The letter, as drafted by Cllr R Hogley but with a number of additions as discussed, should refer to British Standards Institute guidance and various relevant legislation, including the Lifting Operations and Lifting Equipment Regulations (LOLER), lifts for the elderly and/or persons with disability, the Equality Act 2010 and the Health & Safety at Work Act; the matter (and any response received from Kirklees Council) to be considered at the next Community Assets Support Committee meeting.

(b) Statement of Intent on Training: It was

RESOLVED: (i) That Cllr P Davies' attendance of a YLCA One-Day Conference on Friday, 28 September 2018 be approved.

(ii) That the Clerk's attendance of a YLCA Training Day for More Experienced Clerks on Friday, 12 October 2018 be approved.

(iii) That the Clerk be authorised to book the relevant places and for reports of attendance to be considered by the Finance & Management Committee in due course.

1819 40 Standing Committees

Members reviewed the membership of all the other Standing Committees and a number of Members confirmed their preference to sit on one or more of them, or requested to be removed or added from a Committee.

RESOLVED: (1) That where a Member has a special dispensation due to ill-health, they should be removed immediately from any Standing Committees they sit on, to help the quorum situation.

(2) That Cllr E Bunbury's request to come off the Service Provision Committee and Cllr R Hogley's request to be re-appointed to that Committee, be approved.

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(3) That Cllr J B Sweeney be appointed to the Planning Committee with immediate effect, but if he wishes to join any other Standing Committees where a vacancy exists, he would need to put forward his request to join a particular Committee at a future full Council meeting; in the meantime, he was welcome to attend any Committee meeting as an Observer, to decide where his interests lie and where his own skills/experience would be of benefit to the Committee(s).

(4) That the Clerk be authorised to produce an up-to-date list of Committee Membership, reflecting the changes agreed, and for the website Contacts page to be updated accordingly.

1819 41 Consultations

Members considered correspondence dated 13 June 2018 from Kirklees College regarding their intention to sell Holmfirth Adult Education Centre ('the Tech') to Holmfirth Tech Ltd and a 4-week period of consultation (deadline for comments 4pm Friday, 13 July 2018). The Clerk reported that although an extension had been requested, to enable the Council to consider the consultation formally at this meeting, no response or acknowledgement had been received.

Although Members were concerned at the lack of facts available relating to the proposed sale, transfer of ownership and basis of current use of the Tech, the majority of Members welcomed the return to active use of the Tech and wished Holmfirth Tech Ltd (a newly formed charitable Community Benefit Society) good luck in their efforts to do so.

Nevertheless, there were many questions to be asked of Kirklees College regarding their proposed sale (subject to Charity Commission approval) of the Tech building (established in 1894) to ensure continuation of the original founders' ideals of providing education for children and adults and supporting the prosperity of the area). These included:

- The finer details of the proposed sale, its current status and on what basis the Tech was operating currently (freehold or leasehold).
- Whether the Tech could in fact be sold (from a legal point of view) because of the covenant included and because of how it came to be sold by Kirklees Council to Kirklees College for £1 many years ago, but why Holmfirth Tech Ltd was now being expected to pay substantially more for it (ownership having originally been transferred from the old Holmfirth Urban District Council to Kirklees Council - instead of the Parish Council - as part of the Local Government Reorganisation in 1972-74).
- Details of the proposed sale contract and what would happen to the building if the charity running it failed; the Parish Council would wish to ensure that a safety net is put in place to ensure that the building comes back to the community and that the educational covenant is retained.

RESOLVED: (1) That the Clerk be authorised to respond to the consultation, in the form of a letter to Kirklees College requesting the information outlined above.

(2) That a representative of Holmfirth Tech Ltd be invited to a future Council meeting to update us on progress of their purchase and plans for the building.

Cllr J Brook left the meeting during this item.

1819 42 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.

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1819 43 Staffing Matters

(1) Clerk's Statement of Grievance: The Chairmen of Council and Staffing Committee reported that Hoey Ainscough Associates Ltd had been appointed to investigate the matter and meetings were now being arranged with those involved, sometime in early September (due to holidays).

Cllr D Hall stated that she did not want to be the Chairman of a Council where people were frightened to stand up and say what they think, because that's why they were councillors. However, she did want those people to show some politeness and respect for fellow councillors and officers, and she sincerely hoped the Council could bring this matter to a successful close after the investigation. The Chairman of the Staffing Committee added that Hoey Ainscough were being entrusted to be the independent arbiter and although the process would be time-consuming, costly and sometimes painful, all Members should want a positive outcome. That could only be achieved by constructiveness of all those involved, including councillors and the officer.

He also reported on a recent meeting with the Monitoring Officer and Legal & Governance Officer where it was made clear by the Monitoring Officer that she had no power over the behaviour of parish councillors and she would only be able to offer advice and guidance on how any adverse behaviour could be better managed.

RESOLVED: That the above be noted.

(2) Members considered the Clerk's confidential report and recommendations on the recharge of time to assist West Yorkshire Police recently, in their investigation into matters relating to the Holme Valley Land Charity (the Parish Council is the sole corporate Trustee).

The Chairman of the Council, Cllr S Baggott and the Clerk also reported on the original discussions with the Police in early June 2018, as the Police had received allegations of malfeasance by the Parish Council and Land Charity. As this was not the first allegation they had received, an investigation would be carried out.

With the full co-operation and assistance of the Councillors and the Clerk, involving three meetings with the Police, no evidence had been found of any malfeasance so recommendations were now being made to the Detective Inspector that the case should be dropped and the investigation closed. The Police will issue a formal written report of their findings in due course, at which point it was agreed that the Council (as Trustee) should make an appropriate public statement.

Members noted the Clerk's input as part of the investigation and the time spent, which the Police had suggested should be recharged to the Land Charity.

A lengthy debate then ensued on some details of the Clerk's confidential report (a copy of which had been distributed immediately before the meeting) and Members' concerns regarding the possible naming of the person who made the allegations. Members considered the allegations themselves, and the malicious rumours about the alleged malfeasance that were circulating as completely unacceptable. Sympathy was expressed for the impact these rumours have had on fellow councillors.

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Members then discussed the need for a public statement to be made, once the outcome of the Police investigation is confirmed in writing. The content of the statement was discussed and it was agreed that it should be prepared by a criminal law solicitor to ensure it is carefully worded. It was also suggested that the statement should make clear that any businesses within the Valley who have worked for the Land Charity in the past have done nothing wrong either (hopefully to stop the malicious rumours).

RESOLVED: (a) That the Trustee of the Land Charity should be encouraged to make a public statement, prepared by a criminal law solicitor as recommended, once the Police investigation has been completed and the outcome confirmed in writing.
(b) That, as suggested by the Police, it would be reasonable for the Land Charity to be asked to consider reimbursing the Council for the Clerk's time spent on assisting the Police with their investigation (hours as detailed on the Clerk's confidential report); the Clerk to write to the Land Charity Secretary accordingly.
(c) That, if the person is identified who made the allegations and they are found to be malicious, he/she should be asked to reimburse the cost of the Clerk's time.

Cllr R Hogley left the meeting during this item.

1819 44 Re-admittance of the Public and Press

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

1819 45 To receive Chairman's Report

The Chairman reported on Council business she had undertaken since the last full Council meeting; unfortunately, she had missed the Artweek Preview evening because of a mix-up re ticket arrangements but had attended Saddleworth Parish Council's Civic event in May, the Holmfirth Arts Festival (and procession) and an event at the Carding Shed regarding the revival of a car race up Holme Moss to be held in 2020. The Vice Chairman had attended the Holme Valley District Scouts AGM on 19 July 2018.

RESOLVED: That it be noted that the Chairman's Civic Service would be held on Sunday, 16 September 2018, at 2.30pm, at Christ Church, New Mill. Further details would be provided nearer the time.

1819 46 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