

Minutes of the Annual General Meeting of the Newcastle Higher Community Council held by telephone conference and in person at Saint Theodore's Church, Kenfig Hill on Tuesday 29th September 2020 at 7.00 p.m.

Cllr Mal John: Presided

Present (11) Councillors Heidi Bennett, Marged Griffiths and Altaf Husain, (by telephone); Derrick Baker, Mal John, Ann John, Byron Jones, Phillip Lathey, Alex Marshall, Dave Fowler, James Radcliffe.

Clerk, John Richfield; Clerk appointed from October 2020, Adam Davies
David-Lloyd Jones, Internal Auditor was also present for part of the meeting.

The Chair, Cllr Mal John welcomed members to the meeting and the Council asked him to remain in the Chair for the remainder of the meeting after the new Chair was elected, as Cllr Altaf Hussain was attending by telephone.

The Chair also welcomed Adam Davies, the newly appointed Clerk to start work in October 2020, attending the meeting as an observer and to meet members of the Council.

1. Apologies

Apologies were received from Cllr Meryl Wilkins, who also declared an interest in the Pheasant Field, Penyfai.

2. Minutes of the Annual General Meeting held on 11th May 2019

The minutes had been approved by the council previously and published on the website.

3. Salary and induction of the newly appointed Clerk

A paper had been circulated which set out proposed arrangements for the salary and induction of Adam Davies, the newly appointed Clerk.

The Advertised salary for the new Clerk was on scale point 15 of the One Voice Wales Scales (from April 2020 the scale was £23,541 full time)

Pro-rata salary would be (at 13 hours) rate **£8,274** initially with scale points to add ongoing, and subject to review of the hours worked.

The salary would normally be paid in arrears quarterly, or as agreed by the Council.

One Voice Wales had forwarded the latest model Clerk's Contract for use for a Local Council Clerk, together with a copy of the current salary Scales. with the details to be completed for NHCC when Adam Davies took up the post in October 2020.

The new Clerk would be in touch with One Voice Wales regarding induction training, and it was noted he was engaged on the Society of Local Council Clerks essential Skills course.

The Council had decided to request the current Clerk to provide assistance with some of the work, hand-over of records and contacts, and complete the Annual accounts for the new Clerk to adapt to electronic records before the year end.

It had already been agreed by the Council at the interviews, and was confirmed by vote by 9 members to 2 that the current clerk would be asked to assist as a consultant / assistant Clerk to the Community Council and be paid at his current salary, less than the new Clerk, until and including March 2021.

A report would be prepared for the Council to be received at its next meeting detailing the handover process, giving dates for specific actions, and noting the Chair would act as manager to the new Clerk, during his probationary period of 6 months.

4. Arrangements for the retirement of the current Clerk

Members of the Council had been informed that the Internal Auditor had examined the Council's financial and other records very carefully before arriving at his conclusions, which were communicated at the meeting by video conference on 24 June 2020.

One matter, that did not relate directly to the financial details of the Annual Return and Accounts was communicated to the Chair by telephone and email and concerned a potential liability to the NHCC.

At the end of the interview process to appoint the new Clerk, the Chair asked the Internal Auditor, who was present in an advisory capacity on HR matters, to brief the members of the Council carrying out the interviews on this matter, with a view to determining how to deal with it at the Annual General Meeting of the Council.

The current Clerk's contract of employment caused Mr Jones some concern, as the only contract provided was the model NALC (now One Voice Wales) contract, which would be the contract the clerk was employed under, whether explicitly or not, since 1988. The model contract for clerks in force in 1988 referred to a provision for a gratuity, and the low salary for the post holder reinforced the view that there was a liability for a gratuity. Mr Jones also noted that no salary scale was in place. In order to mitigate this liability, and mindful of their duty of care toward an employee, Councillors discussed whether to mutually agree a sum to deal with the matter finally.

The members present at the Interviews had suggested that the figure of £10,000 might be mutually acceptable in full and final settlement of the liability.

The Council had been provided with a memo from Mr David-Lloyd Jones which explained the facts.

The Council discussed the matter in the absence of the Clerk.

All Councillors backed the principle of a payment. The sum of £10,000 was proposed by Cllr Heidi Bennett and seconded by Cllr David Fowler. Cllr Derrick Baker then proposed an amendment to £15,000, which was seconded by Cllr Ann John. The Council then voted 7 to 4 in favour of the amended figure. Following the discussion and vote the Council agreed to pay on the present Clerk's retirement the figure of £15,000, which was deemed to be fair and realistic and in accordance with the NALC gratuity provision.

When the Clerk was recalled, Cllr Mal John, in the chair, informed the meeting that the Council had agreed by a large majority, in pursuance of its obligation and duty of care to a long serving employee, a diligent servant of the Council, to pay Mr Richfield the sum of £15,000 on his retirement from the Council.

5. Election of a Chair

Cllr Mal John, as outgoing Chair for the period of nearly two years, thanked everyone involved in the work of the Council during his time as Chair.

Cllr Derrick Baker proposed the thanks of the Council to Cllr John on behalf of the Council.

Cllr Altaf Hussain was proposed by Cllr Ann John and seconded by Cllr Derrick Baker for the role of Chair for 2020-2021.

No other Councillors were nominated so Cllr Hussain was duly appointed Chair for 2020-2021.

6. Election of a Deputy Chair

Cllr Meryl Wilkins was proposed by Cllr Derrick Baker and seconded by Cllr David Fowler for the role of Deputy Chair for 2020-2021.

No other Councillors were nominated so Cllr Wilkins was duly appointed Deputy Chair for 2020-2021.

7. Annual Reviews

(a) Chair's Allowance

The Council reviewed the current level of Chair's allowance and agreed it remain at the present level of £650, which had been set in 2015.

The outgoing Chair, Cllr Mal John, intended to donate the allowance he was entitled to in favour of a local organisation, and would decide this before the next meeting.

8. Review of Bank Signatories

The Council agreed to leave the present arrangements for signatories on the bank account at present. It was noted that Cllr Baker, who was a signatory, intended to not seek re-election to the Council in April 2021. An additional signatory would be considered at that time.

Immediately following the Annual General Meeting, the Council held an ordinary general meeting.

Cllr Mal John: Presided

Present (11) Councillors Heidi Bennett, Marged Griffiths and Altaf Husain, (by telephone); Derrick Baker, Mal John, Ann John, Byron Jones, Phillip Lathey, Alex Marshall, Dave Fowler, James Radcliffe.

Clerk, John Richfield, Clerk appointed from October 2020, Adam Davies David-Lloyd Jones, Internal Auditor was also present for part of the meeting.

1. Minutes of the meeting held on 24th June 2020

The Minutes of the meeting held on 24 June 2020 were confirmed and signed.

It was agreed to clarify the payment made to assist the work of three Penyfai volunteers helping elderly people affected by the pandemic, Sian Lewis, Marged Griffiths and Heidi Bennett, to note that the application was made by Sian Lewis, who received the funding.

2. Community Asset Transfer on Pheasant Field, Penyfai and Cavendish Park Play Area – update

It was reported that soon after the March lockdown, the Clerk had contacted the BCBC Property Department and asked for an additional document for the lease of the Pheasant Field and the Cavendish Park kickabout area which were understood to be two separate assets.

A brief heads of terms was received in April which only related to the Pheasant Field. One Voice Wales had been consulted on the draft.

The Council applied for a grant from the Community Asset Transfer Fund to assist with both the upgrading of the facilities in the Community Asset Transfer area in the Pheasant Field and at the kickabout area in Cavendish Park.

The BCBC granted (by late April) the NHCC full match funding for the project, value £15,303, so the maximum reimbursement on receipt of the proof of spend would be up to £7,651. if the final spend was less, the match funding would reduce pro rata.

Guy Smith, the BCBC CAT Officer was aware that the Community Council would not yet be able to place orders due to the current restrictions, and he offered to reimburse up to £200 to pay for legal advisers to review the Lease documents when finally received.

To date this matter was outstanding from the BCBC Property Department. The current Clerk, now a consultant to the Council, would consult BCBC Officers to progress the matter and report back. As Adam Davies would be Clerk for the remainder of the project, John Richfield would brief him on the detail and work together on the project until the end of 2020, or as required.

A written report of progress towards the transfer would be provided to the next meeting of the Council.

3. Update from the Maintenance Committee

Cllr Alex Marshall presented a written report on behalf of the NHCC Maintenance Committee.

Butterfly Garden Project

The Keep Wales Tidy butterfly garden project, for which the Council had been granted equipment, a raised bed and other essentials was to be installed under the supervision of the Keep Wales Tidy Project Officer Brian Jones in early October.

Plan for the Community Woodland.

Maintenance work, tidying and strimming, including the potential felling of an insecure ash tree was necessary in the area of the old allotment. A quotation for the cost for the work would be available soon.

A nearby resident in Mount Pleasant had asked about a tree that they were worried may fall where they parked residents' cars. An expert had been asked to advise on its removal. When the advice was received, the Council would be informed.

Footpaths

Footpaths 5,6, 10 and Angelton Lane had been well used over the summer and strimmed as necessary. A final trim before winter including the approaches to Tondu School would take place soon.

The old Bridgend Road, now a footpath between Tondu Road under the M4 viaduct and leading to Penyfai Road Aberkenfig was noted as narrow given the present requirements of social distancing, Cllr Heidi Bennett had reported this matter to the Council. The NHCC had investigated with BCBC Rights of Way and carried out work to widen the path which was in the ownership of the Welsh Assembly Government.

The Council thanked Cllr Marshall for the report from the Maintenance Committee and endorsed its recommendations.

4. Christmas Lighting 2020

The Council agreed for this year to opt for the same Penyfai and Aberkenfig lighting scheme as had been provided in 2019-2020, , with the work carried out by Floodlighting and Electrical Services and Centregreat, with the exception of the Plantscape solar powered Christmas tree fittings in Pentrefelin, which were not deemed a success last year. This was agreed, and arrangements would be made as last year. It was also agreed that if restrictions were eased by January, arrangements would be made to review the lights in good time for 2021, or as soon as possible afterwards.

5. Other Reports

The Council discussed the current planning application made in respect of 32 Hillcrest, Penyfai, CF31 4NL, P/20/645/FUL.

Cllr Altaf as Ward Member had objected to the application where the present owners wished to build a house in the rounds. Cllrs Mal John, Phil Lathey and Alex Marshal had visited the site and Cllr Lathey gave a report on the application.

After a discussion of the merits of the application, the Community Council agreed to object, on the grounds that the proposals were out of scale with the surrounding scene, in that it was too tall, and overlooked other residents properties, causing loss of amenity.

Cllr James Radcliffe, as a member of the BCBC Planning Committee, took no part in the discussion and gave no opinion on the application.

Cllr Derrick Baker mentioned that there had been an application from the owners of Penylan Farm for a holiday let, in the form of a log cabin. The purpose of the application was to diversify the business for the farm. The Council had no objections to this application. Cllr Baker reported that he had written to the BCBC to endorse this application as an individual.

Cllrs Derrick Baker and Dave Fowler asked about whether there was any information on the large development on land west of Maesteg Road, Tondu. Cllr Radcliffe reported that no application was currently pending.

Cllr Altaf Hussain mentioned that he was waiting for details on an application at Old Coachman's Lane, Penyfai and would make a report when he had the information.

Cllr David Fowler made a report on a public footpath in Pentrefelin, and he and Cllr Alex Marshall would visit the footpath to investigate further.

Cllr Heidi Bennett reported on an unadopted road at Mount Pleasant Aberkenfig and that a resident was concerned about the drainage which caused deterioration of the condition of the road. Cllr Alex Marshall, on behalf of the Maintenance Committee, had been to investigate the Mount Pleasant drainage following further correspondence with a resident. The drain was not the responsibility of NHCC, however the appropriate officer, Jack Davies of the BCBC had now attended. No action had been taken at the time of the meeting.

Cllr Altaf Hussain asked the Clerk to consult the Heads of the Schools to confirm that they did not wish to run the Christmas Cards Competition this year, following the pandemic.

Cllr Derrick Baker requested that Cllr Radcliffe, as Ward member, rise the matter of the condition of the hammerhead land behind the Library in the ownership of the BCBC, with the appropriate officers, with a view to tidying it.

6. Finance

(i) Accounts for approval - expenditure since June

Payee / description	£	Cheque number
ACD Skips Allotment Skip	230.40	201730
Cllr M John – reimbursement for cash Grant for three Penyfai Volunteers who needed funds to help elderly during Covid -19 Lockdown	100.00	201731
Aberkenfig Food Bank – Covid-19 hardship related.	100.00	201732
BCBC Bus Shelter cleaning	59.63	201733
Via Cllr M John to printers for banners to say thank you to NHS, Carers and volunteers	180.00	201734
Canola Residential Home – assistance with carers'	150.00	20735

PPE in Covid 19 emergency		
BHIB Limited Council's Insurance Policy 2020-2021	379.62	20736
One Voice Wales Annual Subscription	620.00	20737
NHS Covid Ward – reimbursed to Cllr M John	200.00	207738
David Lloyd Jones – Internal Audit services	150.00	207739
Boverton Nurseries Plants for baskets 2020	2,002.08	207740
Information Commissioner's Office Data Protect Fee	40.00	207741
Clerk Salary 3 months	1,393.30	207742
HMRC	348.20	207743
Reimburse Clerk quarterly	182.07	207744

(ii) Statement of balance and update on budgets for 2020

The Council had been provided with an excel file showing all expenditure itemised during the first half of the financial year analysed by budget heading.

The Council noted its current financial balances:

Balance as at 31 March 2020	£46,372
Plus	
Precept	£50,000
Footpath reimbursement due	£659.12
Less total payments	£13,664.99
The nett balance was currently	£83366.13

6. Any Other Business

Cllr Marged Griffiths had investigated on-line training with One Voice Wales and Planning Aid Wales. The Council noted that no recent Bulletin had come around from One Voice Wales on this matter, however when a list of dates was received, it would be forwarded to all members.

There being no more business, the meeting closed at c.9.00.

The next Ordinary meeting would be held by video conference at a date agreed by the new Chair, Cllr Altaf Hussain.