

Minutes of an Extraordinary Meeting of the Newcastle Higher Community Council held by telephone conference via Zoom on Sunday 9<sup>th</sup> May 2021 at 6.00 p.m.

Cllr Meryl Wilkins: Presided

Present (10)

Councillors, Dave Fowler, Mal John, Ann John, Phillip Lathey, Alex Marshall, Meryl Wilkins, James Radcliffe, Marged Griffiths, Byron Jones and Heidi Bennett Member of the public Jane Gabbie.

Clerk, Adam Davies

The Clerk opened the meeting thanking Councillors for their attendance and informed Councillors and guests that the meeting will be recorded.

In agreement with the Chair an extraordinary meeting was held on the 9th May 2021.

1. To Receive Apologies for absence

Apologies were received from Cllrs Altaf Hussian.

2. To Consider Grass Cutting Quotes and agree on a provider for the 2021 - 2022 financial year subject to taking on the CAT transfer.

Cllr Wilkins declared an interest in the Pheasant Field although this is the case, Cllr Wilkins was informed that unless she has a monetary gain from the Pheasant Field then she may vote.

The Council was provided with a proposal by Cllr Marshall and Cllr Mal John to cancel any Community Asset Transfers (CAT) currently being processed by the Council.

Councillors were reminded that under the Council's Standing Orders items not on the agenda cannot be discussed or decisions made without being placed on the Agenda for the public to be made aware.

Councillors were informed of the Council's Standing orders regarding extraordinary meetings stated at point 6 within that document.

“The Chair of the Council may convene an extraordinary meeting of the Council at any time. If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.”

The Council considered 4 quotes as stated below:

Matt Scott

Crown Garden Services

Total Ground Care Ltd  
4 Seasons Tree & Garden Services Ltd

Cllr Radcliffe proposed that the Council proceed with the quote received from Crown Garden Services due to the information provided and the value for money the Council would receive. Seconded by Cllr Bennett.

A vote was record as follows:

Abstaining

Cllr Anne John, Mal John, David Fowler, Philip Lathey, Byron Jones.

Agreed

Cllr Alex Marshall, Heidi Bennett, James Radcliffe, Marged Griffiths, Meryl Wilkins

The Council has agreed to Contract Crown Garden Services subject to the Council taking on the CAT transfer.

3. To consider the information provided to the Council from Audit Wales regarding The Outgoing Clerks Pension Payment and decide on a course of action the Council would like to take. (Closed Session)

All guests were removed from the meeting.

The Clerk reported to the Council that all information requested was due to the Clerk unable to explain why this payment can be made legally and advice was sought from One Voice Wales. At the previous meeting the Clerk believed that the payment was lawful as stated within the document provided by NALC.

The Clerk in line with the information received from Audit Wales recommended that a payment cannot be made lawfully to the former Clerk, as no contractual obligations are on record. The matter should not go any further.

The Following outcomes were considered when providing the Former Clerk a pension contribution:

#### Gratuity

The Payment of Gratuity Act, 1972 which was repealed in 2012, although would have been legal if a contract was signed prior to 2012. The Council was advised by an Audits Wales report that "One Voice Wales correctly noted the repeal in 2012 of the Regulations that allowed councils to make a gratuity payment and therefore, the Council has no statutory power to make a gratuity payment. It would be acting ultra vires if such a payment was made".

#### Pension contribution

"Under the Pensions Act 2008, certain staff must be placed in a workplace pension scheme and contribute towards it. However, there are conditions related to auto-enrolment in a pension scheme. One of the key criteria is that employers must offer workplace pensions only if the employee earns more than £10,000 a year (the upper threshold). Where employees earn less than £10,000 but more than £6,240".

The Council discussed the reports received from Audit Wales and One Voice Wales and decided the following:

Cllr Mal John proposed that the Council seek further advice from an independent adviser. Seconded by Cllr Marshall.

It was proposed by Cllr Bennett that the cheque would be cancelled in line with advice provided to the Council by Audit Wales. Seconded by Cllr Radcliffe

A Vote was record as followed:

To Cancel

Cllr David Fowler, Alex Marshall, Marged Griffiths, James Radcliffe, Heidi Bennett and Meryl Wilkins.

It was approved that the Council would Cancel the Cheque and seek further advice regarding a payment to the Former Clerk.

The Council agreed to allow the Clerk to see further advice at the cost of the Council.

There being no more business, the meeting closed at 19:47 p.m. The next meeting would be via video link, on Tuesday 11th May 2021.