

9 November, 2010.

LLANELLI RURAL COUNCIL

Minute Nos: 276 – 286

At a **COUNCIL** Meeting of the Llanelli Rural Council held at the Council Chamber, Vauxhall Buildings, Vauxhall, Llanelli, on Tuesday, 9 November, 2010, at 6.00 p.m.

Present: Cllr. S. L. Davies (Chairman)

Cllrs.

T. D. Bowen	H. J. Evans
L. J. Butler	M. L. Evans
D. J. Davies	T. Rh. Ifan
M. L. Davies	S. N. Lewis
M. V. Davies	A. G. Morgan
T. Devichand	B. C. M. Reynolds
S. M. Donoghue	A. C. Thomas
G. H. Wooldridge	

276. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs. S. M. Caiach, T. J. Jones, M. J. Lewis, C. A. Rees and V. R. Thomas.

277. MEMBERS' DECLARATIONS OF INTEREST

No declarations of interest were made.

278. CONFIRMATION OF MINUTES

RESOLVED that the following Minutes (copies of which had been previously circulated to Members) be confirmed and signed as a true record of proceedings:-

Council	12 October, 2010
Recreation and Welfare Committee	19 October, 2010
Policy and Resources Committee	20 October, 2010
Planning and Liaison Committee	25 October, 2010
Finance and General Purposes Committee	27 October, 2010

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279. MATTERS ARISING

(1) LAND AT GLOBE ROW, DAFEN

Pursuant to Minute No. 252, Cllr. T. Devichand referred to Quantum Geotechnical Ltd.'s investigation survey report and reiterated concerns regarding the finding of arsenic in the ground and the fact that livestock grazed the land.

RESOLVED that a letter informing of the hazard, be forwarded to Carmarthenshire County Council.

**(2) FURNACE COMMUNITY HALL –
OLD BUILDING**

Further to Minute No. 256, and in reply to Cllr. T. Devichand's query as to who owned and maintained the old community hall at Furnace, the Deputy Clerk (Administration) stated that it was owned by the Trustees and that the Council had taken over the maintenance in late 1980. As it was a charitable building, the Council could not take ownership and it was therefore, maintained for the community. However, should the management committee decide not to sell the property, the Council would withdraw its support for the building.

In response to Members, the Deputy Clerk (Administration) stated that the Council was responsible for insuring the building and the attendance of local Ward Members at hall committee meetings would be discussed with the Hall Secretary at a meeting on the following day. The involvement of Ward Members would be of particular importance with regard to the sale of the building.

RESOLVED that the information be noted.

(3) CONFIRMATION OF MINUTE NO. 256

Members having referred to the accuracy of the wording in Minute No. 256, it was

RESOLVED that the matter be discussed, in private, at the end of the agenda items.

**280. COUNCIL STANDING ORDERS AND
FINANCIAL REGULATIONS**

Pursuant to Minute No. 242, Members were presented with the Clerk's report reviewing Council Standing Orders and Financial Regulations.

The Standing Orders and Financial Regulations as amended on 13 October, 2009, had been in the main, expanded upon to include reference to the:-

- Role and Duties of Chairman of Council;
- Selection Process and Role of the Leader of Council; and
- Clerk's Scheme of Delegated Powers.

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The Financial Regulations had been updated to include Carmarthenshire County Council's Contractor and Consultancy Framework.

Cllr. T. Devichand referred to the responsibility of Councillors for any actions taken and stated that decisions made by the Clerk under the scheme of delegated powers should be in conjunction with the Leader to help and support, thus strengthening the roles of the Council and the Clerk. She referred to standing order 64 (to add or vary a standing order) and proposed that consideration of the item be adjourned to the next meeting of the Council. Cllr. S. N. Lewis seconded the motion.

The Leader stated that the purpose of the item was to generally review the Standing Orders.

The Chairman also referred to standing order 64 and stated that copies of existing Standing Orders should have been provided to Members in order that the content could be compared with those proposed.

In response, the Deputy Clerk (Administration) stated that the Standing Orders adopted by Council on 13 October, 2009, had been circulated to Members shortly after that meeting. The suggested amendments to the Standing Orders presented to this meeting were highlighted in blue ink with the existing content in black ink for ease of reference. She also stated that in accordance with Standing Orders the item had already been adjourned from the previous Council meeting (Minute No. 242 refers).

Cllr. Devichand reiterated the need to strengthen the role of the Council and the Clerk with the Leader supporting the Clerk and, again, referred to standing order 64.

In response to the Leader requesting clarification on the Standing Orders presented to the meeting (which did not contain standing order 64), the Deputy Clerk (Administration) stated that they were correct and those in force. The Deputy Clerk requested sight of the Standing Order that was being referred to and shown to some Members by Cllr. Devichand.

Cllr. S. M. Donoghue pointed out that the content of standing order 64 as being referred to by Cllr. Devichand had been re-numbered as Standing Order 38.2 in the Standing Orders presented which was in force. The Deputy Clerk (Administration) asked for the date of adoption of the standing order being held by Cllr. Devichand as she believed the numbering system was that used in the Standing Orders agreed in 1998 which had been reviewed and re-numbered in the Standing Orders adopted on 13 October, 2009. Cllr. Devichand did not have a date of standing order 64 and did not show the standing order to the Deputy Clerk (Administration).

The Chairman determined that there would be no further discussion on the matter and would not allow the Deputy Clerk (Administration) to address Members or to have sight of standing order 64. The Chairman declared that the item would be adjourned to the next meeting.

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**281. SEALING OF DOCUMENTS –
FELINFOEL RECREATION GROUND – CONTRACT**

RESOLVED that the Chairman and Clerk be authorised to affix the Council’s seal to the following document and sign same:-

TAD Builders Limited - capital scheme at Felinfoel Recreation Ground

282. MATTERS REPORTED

RESOLVED that the schedule of matters reported be noted.

283. LLANELLI JOINT BURIAL AUTHORITY

Members received the following Minutes of a meeting of the Llanelli Joint Burial Authority held on 8 September, 2010:-

“At the Meeting of the Llanelli Joint Burial Authority held at Vauxhall Buildings, Vauxhall, Llanelli, on Wednesday, 8 September 2010 at 4:00 pm.

Present: A. G. Morgan (Chairman)

Cllrs.

T. D. Bowen	C. C. Lucas
M. J. P. Burns	C. A. Rees
S. M. Donoghue	K. D Rees
W. J. Lemon	J. Williams

25. APOLOGIES FOR ABSENCE

No apologies for absence were received.

26. MEMBERS’ DECLARATIONS OF INTEREST

Cllr. J. Williams declared a personal and prejudicial interest in Minute No 36 because she was a personal friend of the complainant.

27. CONFIRMATION OF MINUTES

RESOLVED that the following minutes (copies of which had been previously circulated) be confirmed and signed as a true record of proceedings.

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28. MATTERS ARISING

(1) CEMETERY SIGNAGE

Arising out of Minute No. 20, the Secretary reported the order for the directional road signs had been delayed. A further meeting with County Highways Officers was deemed necessary as it appeared that the Authority's requirements may have been misinterpreted.

However, enquiries had been made with the County Council about erecting additional signage at the road junction at Halfway and Trostre roundabout. Proposals for Halfway would be reported to a future meeting. However, a road sign could not be erected at Trostre roundabout because it was already operating at full capacity.

RESOLVED that the information be noted.

(2) GARDEN OF REMEMBRANCE 4

Arising out of Minute No. 23, the Secretary reported that work on extending the garden had commenced today.

RESOLVED that the information be noted.

29. INCOME AND EXPENDITURE REPORTS

RESOLVED that the income and expenditure reports for June and July 2010 and the provisional report for August 2010 be noted.

Arising out of discussion of the above, Members commented on how the installation of the columbaria vaults had enhanced Garden of Remembrance 1 and requested that the Cemetery Manager draw up a scheme to smarten the appearance of some of the foundation slabs located at the lower end of the garden. Furthermore, that the garden boundary wall be re-designed so as to improve its aesthetic appearance and general visibility. The wall was prone to accidental damage because of unwitting motorists reversing their vehicles into it because of the road camber.

30. SCHEDULE OF PAYMENTS

Consideration was given to the schedule of payments for July and August 2010, which revealed expenditure for the months, amounted to £27,556.55 and £25,241.38 respectively.

RESOLVED that the information be noted.

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31. INTERNAL AUDIT REPORT 2009/2010 – FINAL REPORT

Further to Minute No. 125 (12 May 2010), Members considered the final internal audit report, compiled by Auditing Solutions Ltd.

The report did not differ from the interim report (to which Minute No. 125 refers) and no matters needed addressing.

The report author commented that as no significant issues arose no action plan was necessary.

RESOLVED that the report be accepted.

32. ACCOUNTS & AUDIT (WALES) REGULATIONS

Members considered correspondence received from Mazars LLP dated 23 July 2010, regarding recent changes to the Accounts & Audit (Wales) regulations, which affected how the annual accounts and audit process was to be carried out.

The main change was a requirement for audited bodies to approve the Annual Return after the audit had been completed, rather than before submitting it for audit as was currently the case.

Members were informed that the change did affect the 2009/10 audit but the announcement came after the Annual Return had been printed and sent out by Mazars. Given that the Burial Authority had already approved the Annual Return and had returned it to Mazars for audit no action could be taken at this stage. Mazars would carry out the audit and would then return the Annual Return documentation to the Burial Authority for re-approval. The re-approval would need to be minuted and the new minute reference and Chairman's signature added in both sections 1 and 2 of the document. The Annual Return would be redesigned for 2010/11 to reflect the new arrangement.

RESOLVED that the information be noted.

33. 1911 RAILWAY STRIKE RIOTS COMMITTEE

Members considered a letter from Cllr Caiach (member of Llanelli Rural Council) dated 13 July 2010 on behalf of the railway strike committee. The letter requested the Burial Authority to nominate a representative to serve on the committee to help plan commemorative celebrations in 2011 in connection with the deaths of two men who were killed by soldiers during the strike in 1911. The men were buried in Llanelli District Cemetery. The letter also requested that an interpretation panel highlighting where the two men were buried be erected in the cemetery grounds.

Members also considered a report prepared by the Cemetery Manager regarding advice provided to the railway strike committee following his attendance at a recent committee meeting. The report addressed the condition of the graves of the two men and the memorial sets occupying the grave spaces.

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Having considered the points raised in both Cllr Caiach's letter and the Cemetery Manager's report it was

RESOLVED that

- (1) the request to nominate a Burial Authority representative to attend meetings be declined because sufficient representation was already in place owing to the fact that both Llanelli Town and Llanelli Rural Councils had previously appointed representatives to serve on the railway strike committee;
- (2) future requests for help or advice made by the railway strike committee affecting Llanelli District Cemetery be formally directed to the Burial Authority committee for determination;
- (3) as a means of demonstrating the Burial Authority's support for the general commemoration plans it will attempt to contact the surviving relatives of the two deceased men whose graves are located in the cemetery grounds with a view to it paying for the refurbishment of both the memorial sets located on the respective graves. The cost of which is estimated at £1400 (£700 per memorial). This offer is made without prejudice to any future similar request that the Burial Authority may receive;
- (4) the request to install historical interpretation panels be noted given the Burial Authority's intention to provide the same but on a more general basis encapsulating a broader range of historical content in partnership with Llanelli Historical Society; and
- (5) the Secretary of the railway strike committee be notified by letter of the above resolutions with a copy of same being provided to Cllr Caiach for information.

34. PUBLIC BODIES (ADMISSION TO MEETINGS) ACT, 1960

RESOLVED that in view of the confidential nature of the business to be transacted the following matters be considered in private and that the power of exclusion of the public under Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960 be exercised.

35. MEMORIAL MASON

Members considered an application from Mr S. W. to be added to the Burial Authority's list of approved memorial masons.

RESOLVED that the application be approved in principle subject to Mr S. W. increasing his company's public liability insurance cover to £5,000,000 so as to comply with cemetery rules and regulations and that Mr S. W's company be added to the approved list upon production of proof of same by supplying the cemetery office with a revised copy of the insurance schedule reflecting the change.

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36. STAFFING MATTER

Cllr. J. Williams declared a personal and prejudicial interest in the following matter because she was a personal friend of the complainant and took no part in proceedings and withdrew from the meeting prior to discussion of the item.

Members considered the Secretary’s covering report in respect of a complaint he had dealt with made against a member of staff, together with a bundle of associated correspondence. The complaint had not been upheld. However, given the protracted correspondence entered into with the complainant the matter had been referred to Members in order for it to be finally determined.

Having considered the Secretary’s covering report and having carefully considered all of the correspondence received, Members concluded that the complaint had been fully and properly investigated in accordance with the complaints procedure. They noted that the complaint was not upheld and concurred with the original decision. Furthermore, the complainant had been informed previously of the decision and how to lodge an appeal under the complaints procedure. No appeal had been lodged and nor was any external redress sought by the complainant referring the complaint to the Public Services Ombudsman for Wales, because of dissatisfaction with how the complaint had been dealt with or indeed because of the general outcome. The complaints procedure had been exhausted and so Members agreed that no further action could be taken by the Burial Authority and so the matter was now closed and in view of such it was

RESOLVED that

- (1) the actions taken by the Secretary in dealing with the complaint and associated correspondence be fully endorsed and that the Secretary be authorised to conclude matters as directed by Members; and
- (2) a letter be sent from the Chairman on behalf of the Burial Authority to the complainant advising that no further action is to be taken and that the matter is now closed. The letter shall advise the complainant of the right of seeking further redress by contacting the Public Services Ombudsman for Wales should the complainant be dissatisfied with the decision.

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The meeting concluded at 5:30 pm”
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RESOLVED that the Minutes be accepted.

284. LETTER OF APPRECIATION

RESOLVED that a letter of appreciation for the Council’s assistance received from Pontyates Rugby Football Club, be noted with pleasure.

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285. PUBLIC BODIES (ADMISSION TO MEETINGS) ACT, 1960

RESOLVED that in view of the confidential nature of the business to be transacted, the following matter be considered in private and that the power of exclusion of the public under Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960 be exercised.

286. CONFIRMATION OF MINUTE

Further to Minute No. 279 (3), the accuracy of Minute No. 256 was discussed.

Following a vote by members of the Recreation and Welfare Committee, it was

RESOLVED that Minute No. 256 be accepted as a true record of proceedings.

Cllr. S. L. Davies voted against the motion. Cllr. S. N. Lewis abstained from voting.

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The Meeting concluded at 6.30 p.m.

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The afore-mentioned Minutes were declared to be a true record of the proceedings and signed by the Chairman presiding thereat and were, on 14 December, 2010, adopted by the Council.