

8 September, 2009.

LLANELLI RURAL COUNCIL

Minute Nos: 201 – 211

At a **COUNCIL** Meeting of the Llanelli Rural Council held at the Council Chamber, Vauxhall Buildings, Vauxhall, Llanelli, on Tuesday, 8 September, 2009, at 6.00 p.m.

Present: Cllr. C. A. Rees (Chairman)

Cllrs.

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

201. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs. M. L. Davies, M. L. Evans and T. J. Jones.

202. MEMBERS' DECLARATIONS OF INTEREST

No declarations of interest were made.

203. CHAIRMAN'S ANNOUNCEMENT

The Chairman referred to the recent charity event whereby members of staff and their partners climbed Snowdon in aid of Children in Need. Members thereupon conveyed their congratulations upon the achievement.

The Deputy Clerk (Administration) thanked the Vice-Chairman for attending the 'send off' and Members for their support and informed that sponsorship would be gratefully accepted.

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204. 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	14 July, 2009
Policy and Resources Committee	15 July, 2009
Planning and Liaison Committee	20 July, 2009
Recreation and Welfare Committee	21 July, 2009
Special Council	22 July, 2009
Finance and General Purposes Committee	29 July, 2009
Learning and Development Consultative Committee	30 July, 2009
Planning and Liaison Committee	10 August, 2009
Special Council	10 August, 2009
Planning and Liaison Committee	2 September, 2009

**205. SWISS VALLEY COMMUNITY HALL –
PROVISION OF RAMP FOR THE DISABLED**

Pursuant to Minute No. 156, it was

RESOLVED that the following Recreation and Welfare Committee recommendation be accepted:

RECOMMENDED that the Finance and General Purposes Committee be requested to authorise the transfer of £14,500 from General Reserves to enable the provision of an access ramp for the disabled at Swiss Valley Community Hall to proceed, with the lowest tender submitted by M. Hiorns Building Contractor Ltd., Unit 4, Delta Lakes, Llanelli, in the sum of £22,107 being accepted.

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

RESOLVED that, in accordance with Standing Orders, the revision of same be noted and to adjourn the item until the next ordinary meeting of the Council.

207. MATTERS REPORTED

RESOLVED that an enquiry be made with regard to Item 3; and that the schedule of matters reported be noted.

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**208. SENIOR CITIZENS' DAY CENTRE
JOINT MANAGEMENT COMMITTEE**

Members received the following Minutes of a meeting of the Senior Citizens' Day Centre Joint Management Committee held on 13 May, 2009:-

“At a Meeting of the SENIOR CITIZENS' DAY CENTRE JOINT MANAGEMENT COMMITTEE held at The Town Hall, Llanelli on Wednesday, 13th May 2009 at 6.00 p.m.

PRESENT: Councillors Mrs. P.J. Edmunds (Chairman), Mrs. L.J. Butler, J. Roberts, D.H. Skivington, G.H. Wooldridge (Vice-Chairman).

APOLOGIES: Councillors M.L. Evans, Mrs. S.N. Lewis and Mrs. L.J. Stedman.

1. APPOINTMENT OF CHAIRMAN

RESOLVED - that Councillor G.H. Wooldridge be appointed Chair of the Joint Committee for the ensuing year, whereupon Councillor Wooldridge took the chair, expressing his thanks to members for the honour.

2. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED – that Councillor J. Roberts be appointed Vice-Chairman of the Joint Committee for the ensuing year.

3. MINUTES OF PREVIOUS MEETING

RESOLVED – that the Minutes of the previous meeting held on 11th March 2009 be received, verified and confirmed.

4. FINANCIAL REPORTS

(1) INCOME AND EXPENDITURE

RESOLVED as follows –

- (i) That the financial report giving details of cumulative income and expenditure for the financial year 1st April 2008 to 31st March 2009 in the sums of £71,389 and £66,763 respectively be approved (copies having been previously circulated to members).
- (ii) That the income and expenditure account for the financial year ending 31st March 2009 be noted and approved (copies having been previously circulated to members).
- (iii) That the balance sheet as at 31st March 2009 be noted and approved (copies having been previously circulated to members).

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(2) ACCOUNTS FOR PAYMENT

Consideration was given to the written report of the Finance Officer relating to accounts for payment (copies having been previously circulated to members). The report disclosed that payments made for the period 12th March – 13th May 2009 in respect of Direct Debits, reimbursements, BACS payments and voucher nos. 4162 – 4170 (inclusive) amounted to the sum of £20,544.97.

RESOLVED – that payment of the aforementioned accounts be approved.

5. HIRINGS

Consideration was given to a written schedule of hirings of the Day Centre for the months of March and April 2009 (copies having been previously circulated to members).

RESOLVED – that the report be noted and approved.

6. FUTURE OF LLANELLI Y.M.C.A.

Further to Minute No. 36 of the Committee meeting held on 11th March 2009, the Secretary reported on the up-to-date position.

Members were informed that, on the day following the last meeting of the Committee the Secretary and the Clerk to Llanelli Rural Council had met Mr. Jonathan Fearn, Carmarthenshire County Council's Head of Corporate Property, and Ms. Ann Evans, one of the County Council's Solicitors, to discuss the relative positions of the three councils in the light of the letter from the Solicitors acting on behalf of the National Council of Y.M.C.A.'s of Wales. It was confirmed at the meeting that the County Council had no objection to the Day Centre continuing to operate post-27th March 2009, and that it still considered the Y.M.C.A. were holding over as its tenants under the Head Lease.

It was felt that, as the legal position of the three parties needed to be resolved, the County Council would seek Counsel's Opinion on its own position and that, in the light of that Opinion, it would be for the Town and Rural Councils to determine whether they should seek a separate legal opinion on their respective positions.

It was also confirmed that the County Council would continue to liaise with the two councils and Family Housing Association to see whether an alternative proposal could be agreed regarding the future of the building.

However, since the meeting, no further information had been received from the County Council to date. Efforts continued to be made to obtain a response in order to progress the matter.

A detailed discussion then ensued regarding the current situation, following which it was

RESOLVED as follows –

- (1) That the Secretary's report be noted.

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- (2) That the Chairman and Secretary continue to pursue the matter with the County Council's Head of Corporate Property as a matter of urgency.

The Meeting concluded at 6.35 p.m.”

RESOLVED that the Minutes be noted.

209. LLANELLI JOINT BURIAL AUTHORITY

Members received the following Minutes of a meeting of the Llanelli Joint Burial Authority held on 10 June, 2009:-

“At the Annual Meeting of the Llanelli Joint Burial Authority held at Vauxhall Buildings, Vauxhall, Llanelli, on Wednesday, 10 June 2009 at 4:00 pm.

Present: Cllr. C.C. Lucas (Vice Chairman (in the Chair))

Cllrs.

T. D. Bowen	S. M. Donoghue
M. J. P. Burns	W. J. Lemon
S. L. Davies	K. D. Rees
J. Williams	

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs T. J. Jones and A. G. Morgan.

2. MEMBERS' DECLARATIONS OF INTEREST

No declarations of interest were made.

3. APPOINTMENT OF CHAIRMAN

Prior to appointing a Chairman, Cllr. C.C. Lucas welcomed Cllrs S.M. Donoghue and J. Williams on to the committee. The committee thereupon proceeded to appoint a Chairman, and following the motion of Cllr. J Williams, seconded by Cllr. S.L. Davies, it was

RESOLVED that Cllr. C.C. Lucas be appointed Chairman.

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4. CHAIRMAN'S ANNOUNCEMENT

Cllr. C.C. Lucas extended his appreciation and thanks to Members for appointing him as Chairman for the ensuing year.

5. APPOINTMENT OF VICE CHAIRMAN

Following the motion of Cllr T. D. Bowen, seconded by Cllr J. Williams, it was

RESOLVED that Cllr. T.J. Jones be appointed Vice Chairman.

6. 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.

Ordinary Meeting - 13 May 2009

7. MATTERS ARISING

Arising out of Minute No.126 (13 May 2009) the Secretary confirmed that a third quotation had been obtained. However the quote was more expensive than that provided by Hortech Limited, and therefore Hortech Limited had been awarded the contract for the work.

RESOLVED that the information be noted.

8. INCOME AND EXPENDITURE REPORTS

RESOLVED that the income and expenditure report for April 2009 and the provisional report for May 2009 be noted.

9. SCHEDULE OF PAYMENTS

Consideration was given to the schedule of payments for May 2009, which revealed expenditure for the month amounted to £16,307.68.

RESOLVED that the information be noted.

10. STATEMENT OF ACCOUNTS FOR THE YEAR ENDING
31 MARCH 2009

Consideration was given to the Statement of Accounts for the financial year ending 31 March 2009, (copies of which had been previously circulated) and it was

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RESOLVED that the Statement of Accounts be accepted.

11. HEALTH AND SAFETY POLICY AND PROCEDURES

Consideration was given to the adoption of new Health and Safety Policy and Procedures, produced by Peninsular Business Services. After a brief discussion it was

RESOLVED that the new procedures be adopted.

12. AUTHORISED SIGNATORY TO THE BURIAL
AUTHORITY'S BANK ACCOUNT

Members were requested to approve the Cemetery Manager as an additional authorised signatory to the Authority's bank account to facilitate and expedite transactions.

RESOLVED that the request be approved.

13. CONCRETE FOUNDATION PADS – SECTION 11

Members considered the Cemetery Manager's report regarding a proposal to introduce a new design of concrete foundation pad for new memorials in Section 11. Members were informed that the foundation pad was identical to the National Association of Memorial Masons (NAMM) standard foundation design. After a brief discussion it was

RESOLVED that the proposal be accepted.

14. DILAPIDATED MEMORIALS

Members considered the Cemetery Manager's report recommending the removal of dilapidated and dangerous memorials in the cemetery. Members were informed of the provisions of the Local Authorities Cemeteries Order 1977, which gave power to the Burial Authority to remove dilapidated memorials and also the notification arrangements required to be served prior to embarking on such a removal programme. After a brief discussion it was

RESOLVED that the report be accepted.

15. UNAUTHORISED MEMORIALS AND TRINKETS

Members considered the Cemetery Manager's report regarding the escalating problem of unauthorised memorials, trinkets and in some cases solar lighting being left on and around certain grave spaces. Members were informed that the unauthorised memorials and trinkets were severely disrupting ground maintenance and that a programme of removal was recommended so that the cemetery regulations were enforced. After a brief discussion it was

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RESOLVED that the content of the report be noted and that a removal programme be authorised with the work being conducted with care and sensitivity.

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The Meeting concluded at 4:25pm”
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RESOLVED that the Minutes be noted.

**210. LLANELLI Y.M.C.A. TRUSTEES’
MANAGEMENT COMMITTEE**

Members received the following Minutes of a meeting of the Llanelli Y.M.C.A. Trustees’ Committee held on 27 July, 2009:-

“At a Meeting of the LLANELLI Y.M.C.A. TRUSTEES’ MANAGEMENT COMMITTEE held at The Senior Citizens’ Day Centre, YMCA Building, 49 Stepney Street, Llanelli on Monday, 27th July 2009 at 6.00 p.m.

PRESENT: Mr. J.C. Williams, MBE (Chairman), Councillors M.V. Davies, Ms. S.L. Davies, S.M. Donoghue, Mrs. P.J. Edmunds, M.W. Gimblett, Mrs. S.N. Lewis, C.C. Lucas, Mrs. C.A. Rees, D.H. Skivington and W.G. Thomas.

ALSO IN ATTENDANCE: Messrs. M. Galbraith (Clerk to Llanelli Rural Council), L. Davies (Clerk to Llanelli Town Council) and Mr. D. Gary Jones (Responsible Financial Officer to Llanelli Town Council).

1. CHAIRMAN’S ANNOUNCEMENT

The Chairman (Mr. J.C. Williams, MBE) welcomed his fellow Trustees to the meeting.

2. TERMS OF REFERENCE/CONSTITUTION

RESOLVED – that enquiries be made with the Charity Commission to obtain a model constitution to govern the operation of the Committee.

3. POSITION OF COUNCIL MEMBERS AS TRUSTEES

Following a discussion, it was

RESOLVED – that the position of individual members acting in a trustee capacity be investigated, in particular the provision of suitable indemnity whilst fulfilling their duties as trustees.

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4. LEGAL DOCUMENTATION

Members discussed the need to research the legal documentation now in the Trustees' possession to establish the requirements of the Trust Deed and any other matters emanating from the documents.

RESOLVED – that a full investigation of the legal documentation be undertaken.

5. COMMITTEE SERVICING ARRANGEMENTS

RESOLVED – that the principal responsibility for administration and secretarial support be vested in the Town Council, with the Clerks of each constituent council attending meetings as joint advisors.

6. CONFLICT OF INTEREST

Reference was made to the fact that two of the Town Council's representatives (namely Councillors Mrs. P.J. Edmunds and D.H. Skivington) were also members of the Senior Citizens' Day Centre Joint Management Committee, and that this gave rise to a potential conflict of interest.

The Town Clerk also drew attention to a similar potential conflict of interest when fulfilling his roles as Secretary to the Day Centre Joint Management Committee and as joint advisor to the Trustees' Management Committee.

Following a discussion, it was

RESOLVED as follows –

- (1) That the issue surrounding Councillors Edmunds and Skivington be determined by the Town Council.
- (2) That the Town Clerk be asked to continue to fulfil the two roles referred to, and that any conflict of interest which arose in undertaking his duties for the two Committees be dealt with in accordance with officers' Code of Conduct.

7. POSITION OF MR. J.C. WILLIAMS

Following a discussion, and with the agreement of Mr. Williams, it was unanimously

RESOLVED – that Mr. J.C. Williams' resignation as Chairman of the Management Committee and retirement as Trustee be accepted.

8. APPOINTMENT OF CHAIRMAN

In light of the decision taken in the previous Minute, it was unanimously

RESOLVED – that Councillor Mrs. P.J. Edmunds be appointed Chairman of the Committee for the ensuing year, whereupon Councillor Edmunds took the Chair and Mr. J.C. Williams withdrew from the meeting.

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9. APPOINTMENT OF VICE-CHAIRMAN

It was unanimously

RESOLVED – that Councillor S.M. Donoghue be appointed Vice-Chairman for the ensuing year.

10. VOTING RIGHTS

It was unanimously

RESOLVED – that each Committee member should have one vote with the Chairman having a casting vote in the event of a tie.

11. ARRANGEMENTS FOR MEETINGS

It was

RESOLVED as follows –

- (1) That future meetings of the Committee be held at the offices of Llanelli Rural Council, unless otherwise agreed by members.
- (2) That meetings of the Committee be convened as necessary following consultation between the Chairman, Vice-Chairman and the two Clerks.
- (3) That future meetings commence at 5.00 p.m.

12. IMPLEMENTING DECISIONS

As each Council had, in nominating its respective representatives, delegated authority to each of them, it was

RESOLVED – that decisions made by members of the Committee be acted upon without reference back to the two councils for confirmation, provided such decisions did not lead to the Committee's allocated budget being exceeded.

13. FINANCIAL REPORT

Mr. Gary Jones distributed to members copies of a report detailing the on-going financial commitments in respect of staff costs and other costs relating to the monthly running of the building, which included a forecast of the money that would be required to meet these on-going commitments during the remainder of the current financial year.

Members accepted that, whilst the building continued in operation, it was necessary for the employment of the two YMCA staff members (MW and AM) to continue, and for the regular monthly outgoings to be met. It was, therefore,

RESOLVED – that the continued employment of the said two staff members, in the manner deemed appropriate, be confirmed; and that each Council be asked to authorise the virement

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of £6,000 to meet all the continuing monthly financial commitments, as detailed in the circulated financial forecast.

14. CONDITION OF THE BUILDING

Members, having undertaken an inspection of the building prior to the start of the meeting, discussed in detail the need for a planned approach in tackling the matters that needed to be dealt with. Whilst it was appreciated that a number of reports and assessments might be needed, these could not be actioned until the buildings insurance position had been properly established. At the conclusion of their discussion, it was, therefore,

RESOLVED as follows –

- (1) That the current insurance position be established with the insurers as a matter of urgency, and that they be asked to advise on the appropriate way forward.
- (2) That arrangements be made for a health and safety risk assessment to be undertaken as soon as practicable.
- (3) That a meeting be arranged as soon as possible between the two Clerks, the remaining tenant and the regular hirers in order to appraise them of the current situation.

The Meeting concluded at 8.30 p.m.”

RESOLVED that the Minutes be noted.

211. LETTERS OF APPRECIATION

RESOLVED that the letter of appreciation for the Council’s assistance received from Dyfed-Powys Police be noted with pleasure.

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The Meeting concluded at 6.05 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 13 October, 2009, adopted by the Council.