

MINUTES OF THE ORDINARY MEETING OF THE PEMBROKE TOWN COUNCIL COMPLETED BY EMAIL ON THURSDAY 16th APRIL 2020

Sent to: Councillors:

G Jones (Mayor)
L Asman (Deputy Mayor), C Collins, A Brinn
D Evans, R Blackburn, M Phillips, D Bush
K Nicholas, A Cooke, J Grimes, L Brown, J Nutting, A Carey

In attendance:

Suzie Thomas (Town Clerk)
Jayne Howes (Assistant Town Clerk)

Note from the Clerk.....

Due to current lockdown conditions because of the Coronavirus pandemic worldwide, I am sending this report out to all Councillors by email, for your perusal as obviously a meeting will not be held in person. Please see the guidelines below from the Government regarding the change of legislation regarding the Monthly meetings and the Annual General Meeting which is usually held in the Month of May, but I will keep you updated with any information I receive. This legislation is for **England** as Wales has yet to be updated, but for now we will have to follow these guidelines.

Please read below, advice from SLCC about making decisions. Obviously from this report Accounts for Payment need to be sanctioned and also Planning Applications and Minutes of the 12th March 2020, so I would be grateful if you could all reply by email as per the suggested guidance below so we have a written record and can keep a paper chain. I have also set up a Skype Account under Pembroke Town Council which I have already sent out a link to join should anyone wish to.

Holding Local Council Meetings

New legislation introduced to allow 'virtual' meetings

Eagerly anticipated Regulations enabling town and parish councils to lawfully conduct virtual meetings have been published.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ([found here](#)) have now been issued and will come into force on 4 April.

Separate regulations are expected for Wales next week as the Regulations 2 & 3 apply to English local authorities. SLCC will provide a separate briefing for Welsh Community Councils once the Welsh Government has made its Regulations.

Members will be able to attend remotely, and there is provision for public and press access, and the Regulations apply to meetings required to be held before 7 May 2021.

Below is a short summary of the Regulations as applicable to town and parish councils in England. A detailed advice note and a tested model example will be published on the SLCC website early next week.

Regulation 6(c) removes the requirement for a parish council to hold an annual meeting in May 2020

Regulation 4 (2) carries the current appointment of chairman on until the Annual Meeting in May 2021 although councils may elect a chairman at earlier meeting should they wish to.

Regulation 5 covers remote attendance; extending the definition of “place” to include more than one location and including electronic, digital or virtual locations. It goes on to set out all the conditions that must be complied with, making sure the member attending remotely can be heard and where possible seen by other members and by the press and public and can hear and preferably see the other members.

Regulation 13 modifies the Public Bodies (Admission to Meetings) Act 1960 allowing for remote attendance by the press and public. Clerks should note that Regulation 13 (a) requires any electronic notice of a meeting to be published on the principal authority’s website and does not negate the normal requirement under Local Government Act 1972 Schedule 12 Part II Paragraph 10 (2) (a) to publish a notice in a conspicuous place.

How can we take decisions?

Local authorities are required to hold meetings to make decisions. The Local Government Act 1972 requires members to be physically present in order for a meeting to take place. This applies to councils in all tiers. The exception to that rule is in Wales, where for principal authorities only remote attendance is allowed under the circumstances provided by section 4 of the Local Government (Wales) Measure 2011 provided there is a quorum of 30% physically present. This measure does not apply to community councils and may confuse dual hatted councillors.

Given that these times are indeed exceptional (and a declared pandemic should meet the test for this), most Councils will cancel their usual meetings and these need to be replaced with alternative decision-making processes. The lawful way to do this is that a decision, that would otherwise have been on the agenda for a committee or Council, is now made by an officer. To ensure that this remains inclusive of elected

members, the officer is advised in their decision-making seek the views of members of the committee/Council. This could be by email, SKYPE, telephone (not the best as there is no permanent record).

The officer cannot in law fetter (constrain) their discretion entirely, but that does not mean that they cannot give almost overwhelming weight to the views of members responding remotely to a report and officers' advice, or even after seeing written submissions by members of the public in lieu of public access.

In some councils it may be desirable to formalise which members are to be consulted e.g. Chairman & Vice Chairman. This does not in the SLCC's view create a committee of 2 members and does not therefore need to meet. In political councils, regard should be had to the existing protocols that the Council has established which may include the role of Leader and have reference to political proportionality.

Our colleagues at NALC have issued the following advice to councils with which SLCC completely agrees. *“NALC strongly encourages councillors and staff to follow government guidance on social distancing and self-isolation. This is particularly important if anyone is in an at risk group as identified by the guidance. We would encourage councils to consider if they need to hold scheduled meetings at all. The health and safety of councillors, staff and the public should be your primary concern. If local councils do follow government guidance on social distancing and social isolation and so they do not hold scheduled meetings, including annual council meetings, NALC's opinion is that the likelihood of a successful legal challenge is low. We are expecting government guidance on holding meetings remotely early next week, and NALC will also produce further guidance if appropriate next week. In the meantime, if local councils decide to not hold meetings and take decisions by email or other remote methods NALC feels it's likely that afterwards if there were a challenge that the courts will accept that exceptional times called for exceptional measures. In the absence of government guidance, we would suggest for now only taking decisions remotely for truly urgent issues. In this case councils should evidence their decision making as best they can, for example by asking councillors to confirm their votes by email to the Clerk for the Clerk to keep as a record of the decision.”*

[Furloughing Staff under the Job Retention Scheme](#)

The online guidance from the Government is confusing for parish councils. Having discussed this with our colleagues at NALC we have taken a pragmatic view that avoids issues of double taxation. Where a role is still required e.g. the clerk, then this should not be furloughed as the role continues but is most likely being carried out from home. You cannot furlough an employee whose hours have been reduced. The employee must be given no work and cannot “volunteer” for the employer.

The Government expects that most public authorities will not furlough staff or claim the funding. Existing budgets and precepts contain funding for these salaries. The exceptions are, in our view, likely be in those parish councils that rely on commercial

income from community centres, markets, car parks and other income generating activities. In those cases, it may be appropriate to furlough staff where the closure of a facility means there is no work for them to undertake. The wider policy objective here is to avoid redundancies/job losses as a result of work being unavailable. It is also important that councils are not “profiting” from the Coronavirus situation.

So, to round things up, I require all decisions to be put by email to myself from each Councillor. If I do not have a reply, I will mark as no reply. Until we are notified otherwise, I will send all Reports and Minutes (from decisions received back) by email, and I will advertise the report on the Town Council website. I suggest that the current Mayor, Councillor Jones, keeps the position of Mayor until May 2021 as suggested above. I have spoken to Gareth and he is willing to do this. I do not think it would be fair, to change during this year, as I foresee nearly all events etc will be cancelled for the whole of the year. I am currently paying wages to all Staff. Again, as mentioned above, precepts have already been allocated for these salaries and then there will be no issues of double taxation.

As most of you are aware, I am able to work from home. I have completed the end of year accounts and have sent them off to the internal auditor. I have also completed the end of year Payroll and pensions, and set up for the new financial year. The phone line is diverted to my mobile and am currently receiving 2 or 3 phone calls a day, mainly from people in need of help with shopping/prescriptions being picked up. I have agreed for the Town Hall to be re-opened next week so the Welsh Blood Service will be able to attend. Rose and Simon will be splitting the shifts to cover this.

Please find below a letter to Council from Mayor of Pembroke, Councillor Gareth Jones.

Dear Colleagues,

I am writing today to inform you that as of this day I am mobilised by the RAF and will be deployed soon in response to the COVID 19 Virus pandemic.

As a Medic and a Senior Non-Commissioned Officer, I Volunteered as soon as the Trawl was put around all us reservists.

At the moment I write this to you I do not know which facility I will be sent to but this is where I feel most needed at the present.

Due to the lockdown, we cannot meet as a full council the way we have done before. We will overcome these restrictions and likely adopt new practice for the future.

I am therefore still The Mayor. I am proud to be able to serve my Country while serving my Community.

I have been helping those in need within the wider community whether shopping, sorting medicine deliveries and much more. I urge you all to continue to help those in need while we get through this difficult period.

I will be serving within a facility in the United Kingdom for certain and may even be posted close to home. I will, therefore, be able to communicate through telephone, email and messenger applications. In the instances where duty will prevent me from contributing to Council business – please accept my apologies.

I look forward to meeting you all again soon.

Take care and stay safe.

Kindest Regards

Gareth

Mayor Of Pembroke 2019 / 2020

Sergeant Gareth Jones

Royal Air Force

208. DECLARATIONS OF INTEREST

No declaration of interest given

209. QUESTIONS AND ANSWER SESSION WITH MEMBERS OF THE PUBLIC

Not possible at this meeting

210. TO SIGN AND CONFIRM THE MINUTES OF THE MEETING ON 12th MARCH 2020

The minutes of 12th March 2020 were accepted as an accurate record confirmed by 12 Councillors (Councillor Collins and Councillor Brown did not reply).

211. MATTERS ARISING FROM THE MINUTES

Obviously, all planned events agreed in the last two meetings will be cancelled/postponed until further notice

212. PLANNING APPLICATIONS RECEIVED

19/1143/PA

Proposal: Removal of conservatory and erection of single storey extension to rear of property and porch to front

Site Address: Rotherslade, Holyland Road, Pembroke, Pembrokeshire, SA71 4BJ

Council would support the application

19/1335/LB

Proposal: Installation of window to and interior refurbishment of basement WC

Site Address: 69, Main Street, Pembroke, Pembrokeshire, SA71 4DA

Council would support the application

19/1198/PA

Proposal: Demolish existing business units and build 6 residential units. Change of use of land to residential.

Site Address: Cambrian Buildings, Lower Lamphey Road, Pembroke, SA71 4AE

Council would object to this application due to over development and in a road that would not be able to cope with increased traffic

213. PLANNING APPLICATIONS DETERMINED**19/0988/PA**

Proposal: Rear Extension & Internal Alterations

Site Address: 21, Merlins Cross, Lower Lamphey Road, Pembroke, Pembrokeshire, SA71 4AG

Decision: Conditionally Approved

19/1110/PA

Proposal: Proposed Alterations & extensions and attic conversion and new workshop

Site Address: 27 Upper Lamphey Road, Pembroke, SA71 5JL

Decision: Conditionally Approved

19/1044/PA

Proposal: Extension to Dwelling

Site Address: Trefusis, Buttermilk Lane, Pembroke, SA71 4TL

This is to inform you that the application for the above proposal has been withdrawn and our records updated accordingly.

The above was noted by Council

214. LICENSING

None Received

215. TO CONSIDER THE LIST OF ACCOUNTS FOR PAYMENT

To approve the list of payments

248	Wages	Week Ending 2/3/2020	569.66
249	Wages	Week Ending 09/03/2020	569.66
250	Bernald Shilke	Window Cleaner	20.00
251	Halstead DIY	Paint Stripper, gloves, hinge	16.32
252	Jewson	Masking Tape	4.09
253	Paul Bowen Plumbing	Leak in Disabled Toilet	72.00
254	Festive Lighting	Hire Charges Christmas Lights	8312.17
255	B Jones (Electrical Contractor)	Christmas Lights	1080.00
256	HMRC	Tax/NI	796.46

257	Pembrokeshire County Council	Annual Fee Premises Licence	180.00
258	Wilko (Rose)	Cleaning Products	17.50
259	Natwest Bank	Bank Charges	18.97
260	Total Tech Ltd	Telephone/Broadband	66.00
261	Jewson	Febmix Plus	6.43
262	Jewson	Multi Purpose Oil Putty	16.72
263	Jewson	Saddolin Varnish	65.15
264	Wages	Week Ending 16/3/2020	569.46
265	Suzie Thomas	Town Criers Hat (Ebay)	23.99
266	Pembroke Packaging	Photocopying Paper	23.94
267	Wood Finishes Direct (Suzie)	Heavy Duty Varnish	178.98
268	Pembrokeshire County Council	Black Horse Toilets	937.80
269	B & M (Rose)	Cleaning Materials	16.47
270	Pitney Bowes	Postage & Ink Cartridges	424.56
271	Wages	Week Ending 23/3/2020	569.66
272	Wages	Week Ending 30/3/2020	569.66
273	Wages	Month Ending 23/3/2020	2561.05
274	HMRC	Tax/NI	772.86
275	Carmarthenshire County Council	Pension	1213.74

The accounts were agreed unanimously.

216. CORRESPONDENCE RECEIVED

Regular updates from Pembrokeshire County Council are updated on the Town Council's Facebook page.

217. MAYORAL APPOINTMENTS

No official Appointments, however, the Mayor has been out delivering groceries and medication to those who have asked for help as they cannot get out themselves.

The above was noted by Council.

218. AGENDA ITEMS

219. TO APPROVE THE MINUTES OF THE 12TH MARCH 2020

Council approved by email the minutes of the 12th March 2020 to be a true and accurate record.

220. TO GIVE A DECISION ON THE 3 PLANNING APPLICATIONS ABOVE

19/1143/PA - Approve

19/1135/LB - Approve

19/1198/PA - Object, see comments above

221. TO APPROVE THE LIST OF ACCOUNTS FOR PAYMENTS

Council approved by email the accounts for payment

222. TO GIVE A DECISION THAT THE CURRENT MAYOR COUNCILLOR GARETH JONES HOLDS THE POSITION OF MAYOR UNTIL MAY 2021

Council agreed that the current Mayor, Councillor Gareth Jones continues as Mayor until such time that an AGM can take place.

223. TO GIVE A DECISION AS TO WHETHER TO NOT FULOUGH STAFF

Council agreed not to furlough staff as money has been received for wages/salaries via precept, so this would be yet another drain of money from our government and country.

224. ANY OTHER COMMENTS REGARDING THE REPORT OF 16TH APRIL 2020

No further comments were recorded

Mayor