

**FINAL MINUTES OF THE MEETING OF PENNARD COMMUNITY COUNCIL  
HELD ON THE 13<sup>th</sup> June 2023 AT 7.03PM**

**Present Online: Cllr Susan Rodaway SER (Chair), Cllr Darran Hickery DH, Cllr Cari Jones CJ, Cllr Elsbeth Rodaway ER, Cllr Karen Penny KP, Cllr Rachel Carter REC, Cllr Christos Georgakis CG, Community & Grants Officer, Clerk.**

**Present in the Hall: Cllr Lynda James LJ, Cllr Ralph Cook RC, Cllr Will Smith WS, Cllr Steve Sheriff SS, Cllr Leanne Richards LR, 1 Member of the Public**

**Apologies for absence Cllr Keith Atkins, due to Family commitments.**

**Apologies for lateness: Cllr Rachel Carter, Cllr Cari Jones and Cllr Darran Hickery.**

**Declarations of interest: Cllr Smith declared an interest in point 6i**

**All votes will be named votes**

**Questions from the Public relating to items on this agenda (limited to 10 minutes)**

The member of the Public asked 3 questions

1. How did the agenda set relate to improving the quality of life for local people and their local environment as mentioned in the Good Councillors Guide.  
Cllr Rodaway gave an account of the topics being covered in the meeting and how they met the criteria
2. What benefits do you get for your precept payment and does the Community Council have a business plan.  
The Clerk updated the member on the plans set out in the Budget Plan, Annual Report and Newsletter.
3. Have the Council reviewed the extra hours given to the Clerk to complete her CiLCA qualification now that she had completed it  
Cllr Rodaway addressed this question regarding the extra hours granted for study which had reverted back to normal as planned.

Cllr Rodaway advised that the Clerk would address all these questions in writing.

**Swansea Council Report from Cllr Lynda James**

Cllr James reported that the problems occurring with the new bins had been addressed by an increase in refuse collection.

She also reported that the Green Path project was moving along with the funding moving from the finance dept to the highways dept and fully expected us to receive an invoice soon for our £3000 contribution.

Cllr James went on to inform the Council that she had received costings for a raised platform and Children crossing road paintwork for installation at the pelican crossing outside the school this was briefly discussed.

a) Questions from Councillors (Limited to 10 Minutes)

Cllr Rodaway asked if there should be a public consultation Cllr James did not think it necessary as she had received several concerns about speed management.

Cllr Sheriff asked if there was a speed problem along this road and if this platform would be effective the answer to both parts was yes.

The Clerk asked if the pencil bollards could be included in the queries to highways dept, Cllr James agreed to send her the plan so they could be drawn on.

**1) 2023/70 To receive and sign the minutes of the Annual Meeting held on 10<sup>th</sup> May 2023  
previously circulated**

Accuracy and approval

**Proposed by ER seconded by RC agreed by all with 1 abstention KP**

**2) 2023/71 To receive and sign the minutes of the Full Council Meeting held on 15<sup>th</sup> May 2023  
previously circulated**

Accuracy and approval

**Proposed by ER seconded by DH agreed by all with 1 abstention KP**

**3) 2023/72 To receive and sign the minutes of the Planning Committee held on the 23<sup>rd</sup> May 2023  
previously circulated**

Accuracy and approval

**Proposed by RC seconded by KP agree by all with 2 abstentions WS and SS**

**4) 2023/73 To receive and sign the minutes of the Environment Meeting held on the on the 30<sup>th</sup> May 2023  
previously circulated**

Accuracy and approval

Cllr James asked for the mention of her offer to pay the NEETS team to build wooden raised beds in the community garden be added to point 3.

**Amendment proposed by LJ seconded by KP agreed by all**

**Minutes with amendment proposed by LJ seconded by WS agreed by all with 1 abstention SS**

**5) 2023/74 To receive and sign the minutes of the Land Management Meeting held on the on the 6<sup>th</sup> June 2023 previously circulated**

Accuracy and approval

**Proposed by ER seconded by WS agreed by all with 4 abstention LJ, LR, KP, SS**

**6) 2023/75 Finance and Employment**

a) To approve payments for Jun 2023

**Proposed by RC seconded by ER agreed by all abstain SS**

b) To note closing balances May 2023

**Noted**

c) To note receipt of audit notice setting out the date by which documents must be submitted.

**The receipt and dates were noted.**

d) To review and accept the internal auditor report

This was discussed briefly the audit was based on the agreed process.

**The acceptance of the report was proposed by DH seconded ER agreed by all**

e) To agree to a mid-year internal audit as suggested by the Clerk and internal auditor. The Clerk had received an estimated cost of £200 for this.

**Proposed by DH seconded ER agreed LR, CG, REC, SER against RC, SS, KP abstentions WS and LJ.**

f) To review and approve the AGAR for submission to Audit Wales

The Clerk presented the figures, variances and additional information.

**Proposed by LJ seconded by RC agreed by all with 1 abstention SS**

g) To agree the Annual Report for 2022-23 for publication.

The annual reports had been previously sent round there were no suggested amendments or additions.

**Proposed by REC seconded by ER agreed by all**

h) To agree to transfer green path funds to the pavilion account to provide a separate account for PEFTA rather than opening another.

**Proposed by SS seconded by DH agreed by all**

i) To agree a company to conduct the rental valuation of Squiggles Nursery in preparation for the new lease agreement.

Cllr Smith left the room.

The Clerk read out the estimates

Company A - £550

Company B - £500

Company C - £750

**Company B was proposed by DH seconded by SS and agreed by all. The Clerk revealed Company B to be BP2 Land and Property Consultants**

j) PEFTA update

The Community and Grants Officer gave an update reporting that 1 individual had left the scheme due to moving due to a work opportunity. An application for funding had been made to the Charity who were meeting to decide on the 14<sup>th</sup> June.

**7) 2023/76 Admin**

a) Community Lunch Update.

An update on the arrangement of the Community Lunch was given detailing how it would be advertised and access arranged. Cllr Jones suggested taking addresses so we know only members of the Ward were involved but as the event is taking place during the Ironman event travel will be very restricted.

b) To review and accept the 2023 model standing orders.

The new model standing orders containing all the updates from the 2021 Act recently received, were discussed and adopted.

**Proposed by REC seconded by CJ agreed by all**

**Cllr Georgakis left the meeting at 8.25pm**

c) To receive the advice obtained by the Proper Officer from Swansea Council Monitoring Office and One Voice Wales regarding her concerns over Cllr Smith and his involvement in Hall matters

The Clerk explained the advice received and the reasons for requesting it, which was to protect both the integrity of the Council and Cllr Smith, who had continuously failed to declare an interest when matters of the Community Building had been raised against advice from both her and the Chair.

A robust discussion ensued during which Cllr Smith stated he felt bullied, during this discussion Cllr Rodaway laughed, Cllr Sheriff asked for it to be minuted, that he felt it was an inappropriate response for Cllr Susan Rodaway to laugh.

Cllr Susan Rodaway asked for it to be minuted that she apologised and had been distracted by something off camera.

Cllr Susan Rodaway then asked for clarity on what was said as she was having difficulty in hearing the conversations from the hall and did Cllr Smith say that he felt bullied, he said he did and went on to explain that the emails regarding his interests and this advice being sought by the Clerk had made him feel this way.

Cllr Susan Rodaway went on to explain that concerns had been raised with him publicly and privately since the first hall meeting in Sept 2022 when Cllr Smith a member of the Hall Committee had put himself forward as Hall Vice Chair and that the advice was as previously stated for Cllr Smiths benefit and to protect the Council and him from being brought into disrepute, she robustly denied that Cllr Smith was being bullied and all actions had been taken to protect integrity of both parties. She then asked to move proceedings.

**8) 2023/77 Land Management**

a) Update on Burial Ground matters

There was update regarding the Burial ground this month.

Cllr Rodaway expressed her gratitude to Gerald Davies for their hard work in keeping the grounds clipped and tidy.

b) Update on Field matters including playpark

The Clerk reported that the seating had been fitted along with the new chains and Rota Roka but was still awaiting Matta finishing the play surface to the new piece of equipment.

**9) 2023/78 Environment**

a) Update on Environment matters

The Committee Chair advised that the Climate and Biodiversity working group will be meeting on the 15<sup>th</sup> June and a report will be given at the next Full Council Meeting. The Clerk reported that she had spoken to the Golf Club in connection with the fly tipping on their land.

b) Update regarding the community garden

Cllr Carter reported that the funding was about to open and we would be making an application which would sit alongside Cllr James' offer to fund the raised beds which, the NEETS team had offered to build for the garden.

c) Update regarding the Web site

The Clerk's training had been postponed due to the trainer having some family illness.

d) To receive an update regarding youth provision.

Cllr Rodaway the Clerk and the Community Officer had met with the member from Evolve Youth Services and a follow up meeting with him and some young people would be taking part later this month.

e) To review and agree the newsletter ready for printing, pending final read through.

The newsletter had been sent round previously it was agreed that after the final proof read it was ready to go to printing.

**Proposed by CJ seconded by REC agreed by all.**

**10) 2023/79 Hall**

a) Update on Hall Matters

The recent repairs and maintenance matters were reported. The Clerk reported the dishwasher had been left full and unemptied. The Clerk was asked to email hall renters about the use of the dishwasher.

b) To rescind motion 2023/68b (9b) proposed seconded and agreed at the Full Council meeting held on the 15<sup>th</sup> May 2023 in accordance with Standing Orders, the motion was "To discuss and consider to revisit the agreed refurbishment plans"

The Clerk had received 5 written requests to rescind motion 2023/68b in accordance with Standing Orders 7a.

This was discussed at some length. Cllrs Susan Rodaway and Hickery gave their reasons for requesting the rescind some of the others had requested that the Clerk keep their request anonymous.

**The motion was proposed by REC seconded by DH those for : SER. REC, CJ, ER, DH, and RC. Those against SS, KP, LJ and WS, there was also 1 abstention LR. The motion was carried.**

Cllr Rodaway asked for it to be minuted that she was incredulous that Cllr Smith still did not declare an interest.

c) To agree to begin tender process for the hall refurbishment

Cllr James asked that before the motion goes any further that Councillors visit the hall so that they understand what the problems and the solutions are, she thought ploughing ahead would be foolhardy and she suggested the item be deferred.

Cllr Rodaway reiterated that the plans had been drawn up by a professional architect with full impute from the Council on numerous iterations.

Cllr Penny said she thought we owed it to the community to bring the architect back to revisit the plans for a nominal fee which would cost less than that spent on Elf costumes at Christmas. The Clerk was asked to validate this, the Architect would cost £80 the Elf costumes cost £20.84.

Cllr Jones said her concerns lay at the amount of money and time being wasted going over and over things and that we should trust the opinions of the Councillors who came before, the decisions they made and move progress.

Cllr Smith invited Councillors to come to the hall and look at the plans and his suggestions.

**The motion was proposed by DH seconded by ER, those for the motion DH, REC,CJ,ER,SER, those against LJ, SS, LR, WS, KP with 1 abstention RC. As this was a hung vote the Chair exercised her casting vote, where she chose to stay with her existing vote to maintain the status quo.**

**The motion was carried.**

**REC left the meeting at 9.30**

Cllr Rodaway proposed that standing orders 3V be suspended so the meeting could be concluded.

**Proposed by SER seconded by SS agreed by all**

#### **11) 2023/80 Correspondence**

The Clerk had received a request from the Chair of the Parish hall to discuss the parking at the burial ground, this would be put on the next full agenda.

Two emails had been received from the community in support to stopping glyphosate spraying and had been passed to the working group.

**The meeting closed at 9.35pm**

## Financial Summary - Cashbook

Summary of receipts and payments between 01/05/23 and 31/05/23 inclusive. This may include transactions with ledger dates outside this period.

Balances at the start of the year

### Ordinary Accounts

Current Account £45,844.75

### Short Term Investment Accounts

Green Path £3,536.82

No 4 Account £137,233.08

Pavillion Account £39,831.78

Total £226,246.43

Balances at start of period

### Ordinary Accounts

Current Account £88,618.24

### Short Term Investment Accounts

Green Path £3,539.08

No 4 Account £137,319.93

Pavillion Account £39,856.86

Total £249,134.09

RECEIPTS	Net	Vat	Gross
Administration	£1,023.47	£0.00	£1,023.47
Hall	£625.00	£0.00	£625.00
Total Receipts	<u>£1,648.47</u>	<u>£0.00</u>	<u>£1,648.47</u>

PAYMENTS	Net	Vat	Gross
Administration	£5,639.38	£73.75	£5,713.13
Burial	£528.94	£84.82	£613.76
FIELD	£5,845.94	£1,116.81	£6,962.75
Hall	£2,677.24	£345.15	£3,022.39
Total Payments	<u>£14,491.50</u>	<u>£1,620.53</u>	<u>£16,112.03</u>

Closing Balances

### Ordinary Accounts

Current Account £54,052.06  
£54,052.06

### Short Term Investment Accounts

Green Path £3,541.07

No 4 Account £137,398.00

Pavillion Account £39,879.40

£180,618.47

Total £234,670.53

Signed \_\_\_\_\_

Pennard Community Council												
Monthly Payments	May-23										CHQ/BACS/DD/	
Detail	PF	BG	CH	ENV	YOUTH	ADMIN	BANK	PAV	S137	SUB TOTAL	Dr Card	
Octopus Pavilion Electricity	25.89		217.57							243.46	DD	Local Govt Act 1972 S111
Dwr Cymru	42.50		126.50							169.00	DD	Local Govt Act 1972 S111
Good Energy (Hall Gas)			1282.76							1282.76	DD	Local Govt Act 1972 S111
Swansea CC - Rates			54.00							54.00	DD	Local Govt Act 1972 S111
ground rent										0.00	i/n	Local Govt Act 1972 S111
Grave Digging		100								100.00	i/n	Local Authorities Cemeteries Order 1977 S.214(6)
Ground Maintenance	901.66	422.5	86.12							1410.28	i/n	Local Govt Act 1972 S111
Street Light in BG Car Park (SWALEC)		6.44								6.44	DD	Highways Act 190 S301
Cleaning	240.00		420							660.00	i/n	Local Govt Act 1972 S111
Swansea CC - Waste disposal charges										0.00	DD	Local Govt Act 1972 S111
Line Paint and Tape										0.00	DC	Local Govt (Misc Provisions) Act 1976 s19
Play equipment replacement and fitting	4435.89									4435.89	DC	Local Govt (Misc Provisions) Act 1976 s19
Subscriptions										0.00	i/n	Local Govt Act 1972 S111
Octopus Electricity for Hall			15.62							15.62	DD	Local Govt Act 1972 S111
Internet for Hall			34.24							34.24	DD	Local Govt & Elections (Wales) Act 2021 s47
cleaning contribution			-15.00							-15.00	i/n	
Cleaning Suppies for Hall			75.43							75.43	i/n	Local Government Act 1972, s.133
Heating system repairs			130.00							130.00	i/n	Local Government Act 1972, s.133
Electrical inspection and repairs			250.00							250.00	i/n	Local Government Act 1972, s.133
Lloyds Bank (Monthly Service Charge)							12.10			12.10	DD	Local Govt Act 1972 S112
Vodafone						39.96				39.96	DD	Local Govt Act 1972 S111
Voxi						10.00				10.00	DD	Local Govt Act 1972 S111
HMRC						873.57				873.57	Payroll	Local Govt Act 1972 S112
Employee costs						3055.27				3055.27	Payroll	Local Govt Act 1972 S112
Home Working Allowance						26.7				26.70	Payroll	Local Govt Act 1972 S112
Key Frame security						60				60.00	i/n	Local Govt (Democracy) (Wales) Act 2013 s55
Payrol renewal										0.00	i/n	Local Govt Act 1972 S111
Training						38				38.00	i/n	Local Govt & Elections (Wales) Act 2021 s47
Youth worker 1 (Leader) (12hr)										0.00	i/n	
youth worker 2 (12hr)										0.00	i/n	
Smart Pension						165.36				165.36	Payroll	Local Govt Act 1972 S112
Smart Pension Admin Fee						15.00				15.00	Payroll	Local Govt Act 1972 S112
Payrol back up						2.52				2.52	DD	Local Govt Act 1972 S112
Zoom						15.59				15.59	DD	Local Govt & Elections (Wales) Act 2021 s47
Web hosting Krystal						4.99				4.99	DC	Local Govt (Democracy) (Wales) Act 2013 s55
leberra						3.99				3.99	DC	Local Govt Act 1972 S111
Finance System annual payment						305.00				305.00		Local Govt Act 1972 S111
PEFTA									1010	1010.00	DC	Local Got Act 1972 S137
Warm Hubs										0.00	DC	Local Got Act 1972 S137
Postage										0.00	DC	Local Govt Act 1972 S112
Stationery										0.00	DC	Local Govt Act 1972 S112
Google Storage						1.33				1.33	DD	Local Govt Act 1972 S142
<b>TOTAL</b>	<b>5645.94</b>	<b>528.94</b>	<b>2677.24</b>	<b>0.00</b>	<b>0.00</b>	<b>4617.28</b>	<b>12.10</b>	<b>0.00</b>	<b>1010.00</b>	<b>14491.50</b>		



## Record of advice sought and received as mentioned in point 7c.

At the Annual meeting on the 10<sup>th</sup> May when we were discussing Committee membership, I advised Cllr Smith that it would be probably be best for him not to be part of the Hall Committee especially in a year when the Squiggles Nursery Contract was up for renewal, this was disregarded, so I phoned One Voice Wales to make sure the advice I was providing was correct, I explained the following:

“Part of our Community Hall building is occupied by a children's nursery who rent it under a lease arrangement. One of the owners became a Community Councillor last May and is a member of the Hall Committee, in Sept he became the Vice Chair of that Committee against the advice of the Council Chair.

There have been several occasions over the last year where he has been prompted to declare an interest, as it was felt that public perception could view his involvement unfavourably, on doing this, I have been told, it was not my place to advise a Councillor to declare an interest and that it should only be specific matters referring to the Nursery that needed to be declared and not the other parts of the building.

At the Annual Meeting my advice to him was not to be on the hall committee this year, this advice was questioned by another councillor and chosen to be ignored by Cllr Smith. He had also recently been involved in a meeting with another potential leaser of another part of the hall, which did not seem right. I also explained that a couple of community members had expressed surprise to me that Cllr Smith was on the Hall committee but no complaints had been received as yet. What do you advise?”

One Voice Wales advised that Cllr Smith was likely to have a personal and prejudicial interest and should not be on the hall committee. If the nursery was a “not for profit business” he could apply to the Standards Committee for a dispensation, but this was unlikely to be the case.

I also contacted the Monitoring Officer and left a message, when she called me back on the 22<sup>nd</sup> May, I gave her the same details.

This was her advice which I asked for in writing...

As discussed the relevant part of the Code of Conduct is Part 3 which I have set out below and highlighted the relevant bits.

### PART 3 INTERESTS

#### Personal Interests

10.(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that

exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

So Cllr Smith has a personal interest in any council business which may directly or indirectly affect his tenancy or his wellbeing or financial position or any business carried on by him - by virtue of para 10(2)(a)(i), 10(2)(a)(vi) and possibly (vii), also para 10(2)(c)(i) and (ii). So his interest is wider than just council business that directly concerns his tenancy.

He may also have a prejudicial interest in accordance with para 12:-

12.(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

Declaration of interests is a matter for Cllr Smith but I would advise that he is likely to have a personal and prejudicial interest in any council business which relates to the use of the hall and surrounding area which may directly or indirectly affect his tenancy or benefit or disadvantage his position as tenant of part of the wider premises.

I hope this note assists.

Deputy Chief Legal Officer

Having received the Monitoring Officer's advice and the indication that rescind requests were about to arrive in my inbox, I sent the following email to One Voice Wales regarding the architect meeting.

**23 May 2023**

Given the advice I had, regarding Cllr Smith's membership of the Hall Committee.

At the last meeting (15th May) one of the motions went like this:

**It was proposed to revisit the agreed refurbishment plans**

**Proposed by SS seconded by ER agreed by SS, ER, LR, WS, LJ, those against the motion were SER, KA, DH, RC and 1 abstention CJ.**

**The motion to revisit the plans was carried.**

Cllr Smith had a large input to this discussion, after being advised he shouldn't be involved. I have since been contacted by one of our Councillors requesting this motion be rescinded and I am sure others will be coming forward too.

I have a meeting booked with the architect to revisit the plans on Thursday would it be prudent for me to postpone this for now.

Regards

Mrs Janet Crocker PSLCC

Clerk & RFO

Their reply was:

Thank you for your request for advice.

You will need to ensure that any request for a review of the decision taken is based on the relevant section of standing orders which enables a designated number of members to request a review of a decision already taken. It is clear to me, based on what you recently described about the member concerned, is that he is likely to have a personal and prejudicial interest in the matter and he should consider his position very carefully otherwise he leaves himself open to a complaint being made to the PSOW. It would seem reasonable for you to delay the meeting with the architect until such time as the requested review of the decision has been considered.

Regards,

Deputy Chief Executive and Resources Manager

One Voice Wales