

## SALTASH TOWN COUNCIL

### Minutes of a Meeting of Saltash Town Council held in The Guildhall on Thursday 1<sup>st</sup> November 2018 at 7.00 p.m.

**PRESENT:** Councillors: R Bickford, J Brady - Chairman, G Challen – Vice Chairman, J Dent, S Martin, S Miller, W Phillips, A Pinckney, J Rance, B Samuels, P Samuels, G Taylor and D Yates.

**ALSO PRESENT:** 10 Members of the Public, 1 Member of the Press, H Frank – Cornwall Councillor, P Thistlethwaite – Community Enterprises PL12, R Lane - Town Clerk, S Burrows – Office Manager, S Emmett – Finance Officer, A Chick – Administration Officer.

**APOLOGIES:** Councillors: Parker and Lennox-Boyd.

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### **HEALTH AND SAFETY ANNOUNCEMENTS**

The Chairman informed those present of the actions required in the event of a fire or emergency.

### **299/18/19 RECORDING OF MEETINGS – PLEASE NOTIFY THE CHAIRMAN IF YOU ARE INTENDING TO RECORD THIS MEETING**

Cornwall Councillor H Frank notified the Chairman that she would be recording the meeting.

### **PRAYERS**

Councillor Yates led prayers.

### **300/18/19 DECLARATIONS OF INTEREST**

- a. Declarations from Members of any registerable (5A of the Code of Conduct) and/or non-registerable (5B) interests in matters to be considered at this meeting.
- b. Declarations from Members of Matters of Public Interest regarding matters to be considered at this meeting:

<b>Councillor</b>	<b>Agenda Item</b>	<b>Pecuniary/Non-Pecuniary</b>	<b>Reason</b>
Brady	10	Non-pecuniary	Named
Brady	16	Non-pecuniary	Named
Challen	10	Non-pecuniary	Report was made against me in the past.
Challen	16 - 4.10.18	Non-pecuniary	Family
Challen	16 - 17.10.18	Non-pecuniary	Myself
Dent	21	Non-pecuniary	Member of RBL

- c. To approve a dispensation to Full Council to allow a debate and a resolution for Remembrance Sunday Service and Parade 2018 without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business.

It was **RESOLVED** that a dispensation be granted to Full Council to allow a debate and a resolution for Remembrance Sunday Service and Parade 2018.

The Town Clerk reiterated the responsibility of the councillors to leave the meeting if they had an interest and he read out a statement from the Cornwall Association of Local Councils regarding Declarations of Interests and supported by Cornwall Councils Monitoring Officer.

**301/18/19**     **CHAIRMAN'S REPORT**

It was **RESOLVED** to note.

**302/18/19**     **MONTHLY CRIME FIGURES**

Councillor Martin was concerned about the rising number of anti-social events happening in and around Saltash and asked if there is anything else than can be done, perhaps working with the police. The Chairman will put a note in the next Town Messenger. Councillor Dent to inform members of the next Safer Saltash meeting.

It was **RESOLVED** to note.

**303/18/19**     **REPORT BY COMMUNITY ENTERPRISES PL12**

It was **RESOLVED** to note.

**304/18/19**     **CORNWALL GATEWAY COMMUNITY NETWORK AREA**

It was **RESOLVED** to note.

**305/18/19**     **QUESTIONS FROM THE PUBLIC**

Councillors Brady and Challen declared an interest and left the meeting and being a former Mayor Councillor Dent took the Chair.

Three individual questions had been received from Mr Coot. The Council has taken advice from the Monitoring Officer and the Town Clerk read this advice to the meeting.

I have the following questions for the entirety of Saltash Town Council:

1. Will the town council launch their own investigation into whether Cllr John Brady, Mayor of Saltash, purposefully misled the council regarding the referring of matters to the Local Government and Social Care Ombudsman?

STC Response:

The Town Council cannot undertake any investigation of one of its members. The only mechanism is for an individual to make a complaint under the Code of Conduct to the Monitoring Officer at Cornwall Council. A Council cannot make a corporate complaint against one of its members and it is therefore for any individual to seek advice from the Monitoring Officer if they wish to make a complaint.

2. If it is found that Cllr John Brady, Mayor of Saltash, did purposefully mislead the council and, therefore, lied to the council and public, will the members of Saltash Town Council request a vote of no confidence in the mayor?

STC Response:

This would be member driven and would be as a result of any Decision Notice by the Monitoring Officer.

3. Cllr John Brady has brought the council into disrepute and has damaged the relationship between the members of public and the council. This is with regards to the Remembrance Parade shambles. Will the council request a vote of no confidence in the mayor?

STC Response:

A vote of no confidence would be member driven and determined by council.

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Dear Mr Coot,

Thank you for your letter and putting forward your questions. I replied to your last letter to Council on a 1-1 basis, but on this occasion, I have decided to include all Councillors into my response for the purpose of clarity.

My response is as last time;

I am quite happy to meet with you to discuss the points you have raised and am more than happy to re-submit my request to the Ombudsman. I asked you to contact the Guildhall to name a date and time to meet and invited you to bring a 'friend'. This offer still stands.

I will re-submit my letter, which went in the form of an email and this will be done this week and sent by post. I will ask the Town Clerk to email you to confirm the letter has been posted.

The offer to meet still stands so please take this up.

As to the question about the Remembrance parade, I most certainly will not give you the satisfaction of an answer, as there are many questions to be answered and investigated.

In closing I take serious offence at the inference that I misled Council, and I ask that you send a fulsome letter of apology to me in the next 7 days.

Yours Sincerely

John Brady

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Dear Mr Brady,

The reasons I refused the meeting were simple:

- 1) you had a choice to refute the claims that you treated me with disrespect when the Cornwall Council standards committee carried out the initial investigation;
- 2) you had a choice to apologise to me in writing when the investigation found that you had treated me with disrespect and that you did breach the code of conduct. You failed to do so;
- 3) when the standards committee again carried out the investigation into the disrespect of not apologising, you had a choice to engage in this. In fact, the report showed that you refused to apologise to me;
- 4) the meeting, that you have suggested, would cause me more emotional anguish due to your behaviour in the emails that the original complaint was about and throughout my time on the council. The meeting would not bring me any resolution to the problems as it is far too little too late. Why would I put myself through more upset?

You were found to be in breach of the code of conduct and had been instructed to apologise to me in writing. You refused to do this. This meant you were in breach of the code of conduct, again, and therefore the council were instructed to censure you. You asked for a review of

this investigation. Cornwall Council found no reason to review it and that was the end of the matter. The recommendation to censure you stands. So, I say it again, you had your chance. Now is too little too late.

As for apologising for suggesting you have misled the council, I will not do this. I have made a suggestion, based on evidence, that it seems you have misled the council. I supplied evidence of the matter with the investigation I carried out with a FOI request of the ombudsman, with an investigation of their published data, and with feedback from the Corporate Governance Officer of Cornwall Council. There is currently no evidence to suggest that you have referred this matter to the ombudsman. Please, do provide this evidence. I shall then reconsider my claims. Until there is evidence, I will do no such thing.

Unless you are supplying evidence, please do not contact me directly again.

Yours sincerely,

Matthew Coot

It was **RESOLVED** to note.

Councillors Brady and Challen were invited and returned to the meeting.

Mayor in the chair.

**306/18/19** **MINUTES**

Please see a copy of the minutes on STC website or request to see a copy at the Guildhall.

The Minutes of the Full Town Council Meetings held on Thursday 4<sup>th</sup> October 2018 and Tuesday 16<sup>th</sup> October 2018 and Minutes of the Extraordinary Full Town Council Meeting held on 22<sup>nd</sup> October 2018 were confirmed and signed as a correct record.

It was **RESOLVED** to note.

**307/18/19** **FINANCE**

a. To advise receipts and payments in September 2018.

It was **RESOLVED** to note.

b. Urgent and essential works actioned by the Clerk under Financial Regulation 3.4 of the Town Council's Standing Orders.

None.

- c. To note that bank reconciliations up to 30<sup>th</sup> September 2018 were reviewed as correct by the Chairman of the Policy & Resources Committee and the Town Clerk.

It was **RESOLVED** to note.

- d. To note that an audit on recent supplier payments was conducted by the Chairman of Policy & Resources in line with the Council's Financial Regulations. It was noted that there are no discrepancies to report.

It was **RESOLVED** to note.

**308/18/19 PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

Pursuant to Section 1(2) of the Public Bodies (Admissions to Meetings) Act 1960, it was **RESOLVED** that the public and press leave the meeting because of the confidential nature of the business to be transacted.

**309/18/19 CONSIDER ANY ITEMS REFERRED FROM THE MAIN PART OF THE AGENDA**

1. To consider the tender analysis report from Bailey Partnership and approve the appointment of a main contractor for the Saltash station refurbishment works – Councillor Bickford.

It was **RESOLVED** to

1. Approve Recommendation 1 of the Station Building Subcommittee that the preferred tenderer be appointed subject to the tender specification being scoped and negotiated down to a sum and scheme to be agreed by Full Council.
2. Approve Recommendation 2 of the Station Building Subcommittee request that the P and R committee EMF budget Promoting Public Transport £6,475 be vired to the Station Property Budget.
3. Approve Recommendation 3 of the Station Building Subcommittee to underwrite a temporary cash flow shortfall of funding to £75,000 as may be required during the project timeline.

**310/18/19 PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

It was **RESOLVED** that the public and press be re-admitted to the Meeting.

**311/18/19**    **CORRESPONDENCE**

- a. Cornwall Council – Housing Supplementary Planning Document.

It was **RESOLVED** that Councillors to respond individually.

- b. Community Safety Accreditation Scheme - Introduction training for Local Authority and public sector partners.

It was **RESOLVED** to note and that Councillors Dent and Miller attend the training and liaise with the Chairman of Staffing.

- c. Cornwall Council – Positive Parking Framework/Festive Period.

The Chamber of Commerce has asked if the one day free parking could be split into two days – Saturday and a Monday near to Christmas and would the Council be happy with this.

It was **RESOLVED** to inform the Chamber of Commerce that the Council agree with this suggestion and submit the request to Cornwall Council.

- d. Cornwall Council – Parking Charge Increases.

It was **RESOLVED** to submit a joint response with the Chamber of Commerce.

- e. Cornwall Council – Community Network Highways Scheme.

It was **RESOLVED** to appoint Councillor Miller to take the Lead, collate responses and gain consent from Council members to submit a response on priorities to Cornwall Council.

**312/18/19**    **TO APPROVE THE MINUTES OF THE FOLLOWING COMMITTEES AND TO CONSIDER ANY RECOMMENDATIONS**

Please see a copy of the minutes on STC website or request to see a copy at the Guildhall.

1. The minutes of the meeting of Staffing held on Thursday 18<sup>th</sup> October 2018 were confirmed and signed as a correct record.

It was **RESOLVED** to note.

**RECOMMENDATIONS**

**Policies - Minute No 50/18/19**

- a. Leave.  
b. Local Government Pension Scheme.

- c. Employee Handbook Update.
  1. Sickness reporting.
  2. Alcohol.

#### Christmas Operational Hours - 53/18/19

1. A Saltash Day be awarded on 24<sup>th</sup> December 2018.
2. The Guildhall be closed for the holiday period from Monday 24<sup>th</sup> December 2018 until Wednesday 2<sup>nd</sup> January 2019.
3. All operational services will continue during the Christmas period.

It was **RESOLVED** to approve the recommendations of the Staffing Committee.

2. The minutes of the meeting of Services held on Thursday 18<sup>th</sup> October 2018 were confirmed and signed as a correct record.

It was **RESOLVED** to note.

3. The minutes of the Policy and Resources held on the 23<sup>rd</sup> October 2018 were confirmed and signed as a correct record.

It was **RESOLVED** to note.

#### RECOMMENDATIONS

To Consider Committee Budget Virements From The Devolved Assets And Services General Reserve For Additional Budget Costs Incurred For Devolved Assets And Services – Minute No 128/18/19

It was **RESOLVED** to approve the recommendation of the Policy and Resources Committee.

#### **313/18/19** TO APPROVE THE MINUTES OF THE FOLLOWING SUB COMMITTEES AND TO CONSIDER ANY RECOMMENDATIONS

1. The minutes of the Business Strategy & Forward Planning Sub Committee held on Thursday 18<sup>th</sup> October 2018 were confirmed and signed as a correct record.

It was **RESOLVED** to note.

#### RECOMMENDATIONS

To Consider Any Items Referred From The Main Part Of The Agenda – Minute No 46/18/19 Agenda items 8 c:

It was **RESOLVED** to consider this item under Part 2.

2. The minutes of the Property Maintenance Sub-Committee held on Tuesday 30th October 2018 were confirmed and signed as a correct record.

It was **RESOLVED** to note.

### RECOMMENDATIONS

#### To Consider Future Options For The Maurice Huggins Room – Minute No 60/18/19

Subject to final costs being received within budget:

1. The building receive a general internal refurbishment to include the kitchen, insulation upgrade and the installation of a water heater in the toilets.
2. Establish an EMF for fit out with furniture and sundries.
3. The building upon finalisation of the works be promoted for community use.

It was **RESOLVED** to approve the recommendation of the Property Maintenance Sub-committee.

3. The minutes of the Library Sub-Committee held on Wednesday 31<sup>st</sup> October 2018 were confirmed and signed as a correct record.

The recommendations have been amended to resolved so there are no recommendations to approve.

It was **RESOLVED** to note.

4. The minutes of the Station Property Sub-Committee held on Wednesday 31<sup>st</sup> October 2018 were confirmed and signed as a correct record.

It was **RESOLVED** to note.

Councillor Brady declared an interest and left the meeting and Councillor Challen took the chair.

### **314/18/19 TO RECEIVE CODE OF CONDUCT DETERMINATION NOTICES**

- a. **Decision Notice Number:** CCN002/17/18

**Complainant:** Mr Matthew Coot

4488

**Subject Member:** Cllr John Brady, Saltash Town Council

**Date of Assessment:** 16<sup>th</sup> August 2017

**Complaint:** The Complainant has alleged that a series of emails sent to him by Councillor John Brady are hurtful, unpleasant to read, are abusive and have failed to treat him with respect.

**Action:** That Councillor John Brady has breached the Code of Conduct and should apologise in writing to the Complainant for the tone and content of his email within 28 days of the date of this notice and a copy of the apology is to be provided to the Monitoring Officer.

It was **UNANIMOUSLY RESOLVED** that STC notes the findings of the Monitoring Officer in Decision Notice CCN002/17/18 and expects Councillor John Brady to comply with the actions as imposed by the Monitoring Officer.

Councillor Challen declared an interest and left the meeting and Councillor Dent took the Chair.

b. **Decision Notice Number:** CCN018/18/19

**Complainant:** Mr Lewis Challen, Mr Neil Challen and Mrs Sarah Clements.

**Subject Member:** Cllr John Brady, Saltash Town Council.

**Date of Assessment:** 4<sup>th</sup> October 2018.

**Complaint:** The Complainants, have alleged that Councillor John Brady has breached the Code of Conduct by failing to treat them, and other family members with respect due to an email sent to all Saltash Town Councillors by Councillor John Brady saying that Saltash deserves better than the Deputy Mayor and accusing the Deputy Mayor and her family with the email of 'grubbiness'.

**Action:** that Councillor John Brady has breached the code of conduct and must write an open letter of apology to the Deputy Mayor's family, which will be provided to them by the assessing officer, and that Councillor John Brady sends this letter to the same recipients as received the email on 27<sup>th</sup> August 2018. If this action is not undertaken within 28 days of the date of this notice (**12.11.18**), then it is recommended to the Council that Councillor John Brady is censured.

**Update:** The Monitoring Officer has confirmed that Councillor John Brady has fulfilled this part of his obligation under Decision Notice CCN018/18/19.

It was **UNANIMOUSLY RESOLVED** to note.

Councillor Challen was invited and returned to the meeting and took the Chair.

c. **Decision Notice Number:** CCN046/17

**Complainant:** Mr Matthew Coot

**Subject Member:** Cllr John Brady, Saltash Town Council

**Date of Assessment:** 20<sup>th</sup> April 2018

**Complaint:** The Complainant has alleged since the Decision Notice CCN002/17/18 was issued, which found Councillor John Brady to be in breach of the Code and asked him to apologise to the Complainant, Councillor John Brady has failed to apologise and therefore has again failed to treat the Complainant with respect.

**Action:** That, due to the failure to provide the Complainant with an apology within 28 days of decision notice CCN002/17/18 Councillor John Brady has breached the Code of Conduct for Cornwall Council as set out in this notice.

As a result of this breach of the Code of Conduct the recommended action is that Councillor John Brady be censured by Saltash Town Council.

It was **UNANIMOUSLY RESOLVED** that:

1. In accordance with Decision Notice CCN046/17 issued by the Monitoring Officer in respect of a breach of the Council's Code of Conduct, Councillor John Brady be formally censured for failing to provide the Complainant with an apology within 28 days of decision notice CCN002/17/18.

Statement of Censure: STC believes that an individual councillor's actions and conduct will always reflect on the wider role of a councillor and, as a direct consequence, will inevitably impact on the reputation of their fellow councillors and the Council as a whole both generally and specifically. This council believes that it is incumbent on all councillors to ensure the public have confidence and trust in their elected representatives, the Council is disappointed that Councillor John Brady's actions are not in keeping with this belief.

2. The censure be clearly published on STC website, social media sites, minutes of the Council and a press release issued at no expense to the Council.

It was **RESOLVED** to spend up to £500 from the Policy and Resources budget on publication of the Notice of Statement of Censure with priority

given to the Plymouth Herald and any remaining funding to be used to publicise in other publications.

Councillor Challen declared an interest and left the meeting and Councillor Dent took the Chair.

d. **Decision Notice Number:** CCN020/18/19

**Complainant:** Cllr John Brady

**Subject Member:** Cllr Gloria Challen, Saltash Town Council

**Date of Assessment:** 17<sup>th</sup> October 2018

**Complaint:** The Complainant has alleged that Councillor Gloria Challen has breached the Code of Conduct by voting on a matter which she had an interest in when the matter was discussed by the Council on 2<sup>nd</sup> August 2018.

**Action:** That Councillor Gloria Challen should attend training on the Code of Conduct to allow her to better understand when an interest arises and when she should leave the chamber. It is suggested that Councillor Gloria Challen undertakes Cornwall Council training in 2019 as this training will focus on interests.

It was **RESOLVED** to note and that Councillor Challen had written an apology and booked herself on to the course before the complaint had been received.

Councillors Brady and Challen were invited and returned to the meeting. Councillor Brady took the Chair.

**315/18/19 TO CONSIDER APPOINTMENT TO COMMITTEE**

It was **RESOLVED** to appoint Councillor B Samuels to the Burial Board and Burial Authority.

**316/18/19 TO APPOINT A REPRESENTATIVE ON COMMUNITY ENTERPRISES PL12**

It was **RESOLVED** to refer to minute number 286/18/19.

**317/18/19 TO CONSIDER S106 APPLICATIONS**

None.

Councillor Dent declared an interest and left the meeting.

**318/18/19**     **REMEMBRANCE SUNDAY SERVICE AND PARADE 2018**

Members reported that the Council had no prior knowledge of the decision not to hold a parade.

It was **RESOLVED** to

1. Request the organisers of the people's Remembrance Parade whom are understood to be Saltash Chamber of Commerce and Diverse Events if they will accept the Town Council's civic party participation in the parade.
2. Contribute to costs that have been incurred by the organisers in arranging the Remembrance Parade.

Councillor Dent was invited and returned to the meeting.

**319/18/19**     **PLANNING**

- a. Applications for consideration: None.
- b. Tree applications/notifications: None.

**320/18/19**     **CONSIDERATION OF LICENSE APPLICATIONS**

**LI18\_004398**

Dynnargh, Cornwall College Saltash, Church Road, Saltash, PL12 4AE

Application Type: Grant

Application Accepted: 23.10.2018

Licensable Activities: Alcohol

Representations Deadline: 20.11.2018

Case Officer: Michelle Honey, Bodmin

**Ward: South**

It was **RESOLVED** to note.

**321/18/19**     **MEET YOUR COUNCILLORS**

- a. Arrangements for future meetings.

It was **RESOLVED** that Councillors Challen, B and P Samuels, Dent and Phillips will attend the next meeting in Fore Street to be held on Saturday 2018.

**322/18/19**     **PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

Pursuant to Section 1(2) of the Public Bodies (Admissions to Meetings) Act 1960, it was **RESOLVED** that the public and press leave the meeting because of the confidential nature of the business to be transacted.

**323/18/19**    **CONSIDER ANY ITEMS REFERRED FROM THE MAIN PART OF THE AGENDA**

This item was deferred from Minute number 313/18/19, 1 – Recommendation of the Business and Strategy Forward Planning Sub-Committee:

To consider any items referred from the main part of the Agenda – Minute No 46/18/19 Agenda items 8 c:

1. Take the proposals in principle of this Sub-committee to Full Council on the 1<sup>st</sup> November 2018 to place open spaces etc into joint priority 1.
2. If recommendation 1 is approved, to establish a Working Party to drive forward and negotiate with Cornwall Council.

It was **RESOLVED** that STC take on the Waterfront, Waterside, Maurice Huggins Room and Victoria Gardens as Phase 1 and to take Open Spaces and Verges as Phase 2 at a later date.

**325/18/19**    **PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

It was **RESOLVED** that the public and press be re-admitted to the Meeting.

**326/18/19**    **URGENT NON-FINANCIAL ITEMS AT THE DISCRETION OF THE CHAIRMAN**

A Certificate had been received from the WW1 Centenary Committee thanking STC for their hard work which will be framed and displayed in the Guildhall.

**327/18/19**    **PRESS RELEASES**

None.

**328/18/19**    **DATE OF NEXT MEETING**

Tuesday 20<sup>th</sup> November 2018 at 6.15 p.m.

329/18/19 COMMON SEAL

It was **RESOLVED** that the Common Seal of the Council be affixed to all Deeds and Documents necessary to give effect to the foregoing Acts and Proceedings.

Rising at: 10:20 p.m.

Signed: \_\_\_\_\_

Chairman

Dated: \_\_\_\_\_

DRAFT