

**MINUTES OF THE ORDINARY MEETING OF
STAVELEY TOWN COUNCIL**

Held on Tuesday 16th April 2013
Commencing at 6.00 p.m.
In the Stables, Staveley Hall

Present: -

Councillor Dyke (Chair)

Councillor J. Bacon	Councillor A. Hill
Councillor S. Bagshaw	Councillor P. Hill
Councillor J. Barnett	Councillor V. Lang
Councillor O. Cauldwell	Councillor C. Ludlow
Councillor D. Collins	Councillor J. McManus
Councillor H. Elliott	Councillor D. Parsons
	Councillor J. Webley

In attendance: Graeme Challands – Town Clerk and Financial Officer
Ian Haddock – Assistant Financial Officer
6 Members of the Public

		ACTION
	The Chair welcomed everyone to the meeting and reminded them it was being recorded.	
673/12	<p><u>PART I – NON CONFIDENTIAL INFORMATION</u></p> <p>APOLOGIES FOR ABSENCE Councillor L. Collins – family commitments Councillor Tidd – School Governors’ meeting Councillor Williams – recovering from an operation</p>	
674/12	<p>COUNCILLORS NOT PRESENT There were no Councillors not present</p>	
675/12	<p>CHAIR’S ANNOUNCEMENTS In view of Chesterfield Borough Council holding their Mayoral Meeting the Chair proposed that the Annual Meeting of Staveley Town Council scheduled for Tuesday 14th May be moved to Wednesday 15th May 2013.</p> <p>RESOLVED – That the date of the Annual Meeting of Staveley Town Council be moved to Wednesday 15th May 2013.</p>	GC

676/12	<p>VARIATION OF ORDER OF BUSINESS There were no proposals to vary the Order of Business.</p>	
677/12	<p>TO DETERMINE WHICH ITEMS, IF ANY FROM PART ONE OF THE AGENDA SHOULD BE TAKEN WITH THE PUBLIC EXCLUDED Councillor Ludlow moved that Item 634/12 of the Ordinary Minutes of the Meeting held on 12th March 2013 should be taken with the public excluded. Agenda Items 10 and 11. Members agreed to this proposal.</p>	
678/12	<p>DECLARATION OF MEMBERS' INTERESTS a) There were no Declarations of Members' Interests. b) No requests for dispensations were received.</p> <p>Councillor A. Hill said he had had some clarification on Senior Officers – they should declare an Interest before they give a report.</p> <p>The Town Clerk responded that the situation was as he had reported previously. The Derbyshire Association of Local Councils had advised there was no requirement to declare a Pecuniary Interest as he did not take decisions. He offered to get that advice in writing and circulate it again. He pointed out that local councils operated under different rules.</p> <p>Councillor A. Hill stated he wanted the name of the person giving the advice from the Derbyshire Association of Local Councils or the National Association of Local Councils so he could contact them. The Chair asked the Town Clerk until the advice was received in writing would he declare an Interest.</p> <p>The Town Clerk said he would not as that was the advice he had been given. Whilst in fact he had not got an Interest he would follow the advice from the Derbyshire Association of Local Councils.</p> <p>Councillor Ludlow asked if it could be minuted that he was declining to declare an interest.</p> <p>The Town Clerk replied yes.</p>	<p>GC</p> <p>GC</p>
679/12	<p>PRESENTATIONS There were no presentations.</p>	
680/12	<p>PUBLIC SPEAKING a) Marion Gerrard informed the meeting that, although she was aware that King George V Park was not anything to do with Staveley Town council she</p>	

wished to report that the Friends of King George V Park had met recently and Andy Pashley from Chesterfield Borough Council had been in attendance.

There were no other questions.

b) There were no members of the Police, Fire, Ambulance and Community Safety in attendance.

681/12

MINUTES OF THE ORDINARY MEETING OF STAVELEY TOWN COUNCIL HELD ON TUESDAY 12th MARCH 2013

At this point the Chair requested Members of the Public to leave the meeting in accordance with Agenda Item 5.

Members discussed 634/12 Accounts a) The schedule of accounts paid since the last meeting.

Councillor Ludlow raised the issue of her stating the advice of Mike Hayden of Chesterfield Borough Council had been not to pay anything out to Heart of Staveley.

She queried the Memorandum issued by the Town Clerk

"From: Graeme Challands

Our Ref: GC/LB

To: Elected Members

Date: 20th June 2012

MEMO :

Legal Decisions

As the Proper Officer of the Council it is my duty to again remind Members that Motions need to be received from Councillors in order for decisions to be taken.

Please see Standing Order 3(b) for details.

A Council cannot lawfully decide any matter which is not specified on the Agenda (Local Government Act 1972 Schedule 12). The Summons must specify the business to be discussed in such a way that the member receiving it can identify the matters which he/she will be able to discuss.

In addition Members must submit any questions they wish to be answered at the meeting in advance as laid down in the new Standing Orders 8(a).

No individual Councillor shall issue orders instructions or directions to staff: Staveley Town Council is a corporate body as Standing Order 23(ii) makes clear. Delegation to individual Councillors is illegal.

If there are any proposals arising from individual Councillors then the procedures set out in Standing Orders must be followed. They should be submitted to me for inclusion on the Policy Finance and Publicity Committee Agenda to go forward to the next Ordinary Meeting or direct to the next Ordinary Meeting.

I trust this clarifies the legal situation regarding how Staveley Town Council may legally take decisions.

*Graeme Challands
Town Clerk and Financial Officer.”*

The Town Clerk repeated the advice given in his Memorandum of 20th June 2012.

He drew attention to Standing Order 3(b) and the requirements of the Local Government Act Schedule 12.

“From: Graeme Challands

Our Ref: GC/LB

To: Elected Members

Date: 8th April 2013

MEMO :

Minutes of the Ordinary Meeting held on 12th March 2013

I have been contacted regarding work or expenditure on the Heart of Staveley Project: some Members believe it was agreed that no more work or expenditure on the Heart of Staveley Project should be incurred until we had met with Chesterfield Borough Council over their Report.

However, Standing Order 4 (a) states that “no motion may be moved at a meeting unless it is included in the Agenda and the mover has given written notice of its wording to the Council’s Proper Officer at least 5 clear days before the next meeting”.

The time limit of 5 clear days is in fact not achievable as under Standing Order 3(b)(i) the Agenda has to be served at least 7 clear days before a meeting.

No motion was received on this matter before the meeting and accordingly Standing Orders mean that there is currently no ruling on ceasing work or expenditure on the Heart of Staveley Project.

Any Elected Member who wishes this to become a resolution of the Council should submit it in writing at least 7 clear days before the next meeting so it may be included on the agenda.

**Graeme Challands
Town Clerk and Financial Officer”**

Councillor Ludlow then proposed an Emergency Motion.

“To suspend all payments regarding the Heart of Staveley Project until the outcome of the joint meeting between Staveley Town Council and Chesterfield Borough Council or 29th April with immediate effect.”

RESOLVED – That Staveley Town Council suspend all payments regarding the Heart of Staveley Project until the outcome of the joint meeting between

Staveley Town Council and Chesterfield Borough Council on 29th April 2013 with immediate effect.

Councillor Ludlow then proposed a further Emergency Motion.

That Staveley Town Council establish a Sub-Committee to look at quotes received from consultants in respect of a Staff Review and that the Sub-Committee have delegated powers to choose from bids received.

RESOLVED: That Staveley Town Council establish a Sub-Committee to look at quotes received from Consultants in respect of a Staff Review.

That the Members of the Sub-Committee are to be the Leader of the Council (Councillor Ludlow), the Chair of the Policy, Finance and Publicity Committee (Councillor A. Hill), the Deputy Chair of the Policy, Finance and Publicity Committee (Councillor D. Collins), the Chair of the Council (Councillor Dyke), together with Councillor Parsons.

That the Sub-Committee have delegated powers to choose from any bids between £7,000 to £12,000.

At this point the Chair reintroduced Standing Orders and the public were invited back into the room.

It was **RESOLVED** that the Minutes of the Ordinary Meeting of Staveley Town Council held on Tuesday 12th March be approved as a true record.

682/12 MATTERS ARISING FROM THE MINUTES OF THE ORDINARY MEETING OF STAVELEY TOWN COUNCIL HELD ON TUESDAY 12th MARCH 2013

There were no matters arising.

683/12 TO CONSIDER THE RESOLUTIONS OF THE PLANNING AND ENVIRONMENTAL COMMITTEE OF STAVELEY TOWN COUNCIL HELD ON MONDAY 6TH MARCH 2013

The Chair read out details of the re-arranged Public Meeting on HS2 organised by Natascha Engel MP and Toby Perkins MP which will be held at Netherthorpe School on Saturday April 27th, commencing at 10.00 a.m.

The Minutes of the Planning and Environmental Committee held on Monday 6th March 2013 were **RECEIVED**.

684/12 TO CONSIDER RECOMMENDATIONS OF THE LEISURE AND COMMUNITY COMMITTEE OF STAVELEY TOWN COUNCIL HELD ON WEDNESDAY 20TH MARCH 2013

It was **RESOLVED** that these be approved.

642/12 Staveley In Bloom

Councillor A. Hill said the third sentence should read "...the Council will not ..."

The Town Clerk pointed out that there was no likelihood of Staveley Town Council maintaining the roundabout as the contract had been entered into by Staveley Hall Garden Centre. Staveley Town Council's role was to facilitate the joint work by Staveley Hall Garden Centre, Chesterfield Canal Trust, Barrow Hill Engine Shed and Netherthorpe School to ensure the roundabout was improved.

647/12 Allotments

Councillor A. Hill repeated that Councillors wanted to be at a meeting with Middlecroft Allotment Society.

685/12

TO CONSIDER RECOMMENDATIONS OF THE POLICY, FINANCE AND PUBLICITY COMMITTEE OF STAVELEY TOWN COUNCIL HELD ON WEDNESDAY 20th MARCH 2013

It was **RESOLVED** that these be approved.

686/12

HEART OF STAVELEY

The Town Clerk informed the meeting that a Joint Meeting between Staveley Town Council and Chesterfield Borough Council had been organised for 29th April 2013 to discuss the Recommendations in the Chesterfield Borough Council Report.

687/12

TOWN CLERK'S REPORT INCLUDING JOINT PROJECTS

TOWN CLERK'S UPDATED REPORT TO STAVELEY TOWN COUNCIL ORDINARY MEETING 16th APRIL 2013 (Changed from 9th April 2013)
Produced 15th April 2013

The scheduled meeting of the Planning and Environmental Committee was cancelled as the paperwork had not gone out while I was on leave.

At a meeting with Councillors Ludlow and A. Hill on 4th April it was agreed as there was no urgent business the meetings of the Leisure and Community Committee and Policy Finance and Publicity Committee scheduled for 17th April would be cancelled.

On the 9th April I attended a Photo Opportunity at the new housing development on Frecheville Street with Guinness Northern Counties. A copy of the resultant Press Release has been circulated.

On the 10th I attended the meeting of the Friends of King George V Park at which John Ramsey and Andy Pashley represented Chesterfield Borough Council.

The Derbyshire Fire and Rescue Service Fire Audit at The Stables on the 11th April went well with a comment from the senior officer that our arrangements were "spot on". Smoke seals will be fitted to doors in line with their recommendation. Lastly, after a number of

months requesting action, Derbyshire County Council repaired the Chevron roundabout on Sunday 14th April.

Coming Up

I will be meeting with the Middlecroft Allotment Society Committee to discuss improvements to their site following the sale of part of Staveley Town Allotment, on Tuesday 16th the new Rector of Staveley will have moved in to the Rectory today.

April 27th will be a busy day:

10.00a.m. – 11.30 a.m. Natascha Engel MP and Toby Perkins MP are holding a Public Meeting at Netherthorpe School regarding the High Speed 2 as it affects Staveley and our communities.

10.00 a.m. – Evening By Gone Poolsbrook at Poolsbrook Welfare Club

1.00 p.m. – 4.00 p.m. "Walking Together" Students exhibition at Netherthorpe School.

3.00 p.m. Institution of the Reverend Jones as the Rector of Staveley.

On the 29th April a meeting has been arranged at Chesterfield Town Hall between Councillor Burrows and Officers of Chesterfield Borough Council and Councillors Ludlow, A. Hill and Dyke plus myself to discuss the recommendations in their Report on the Heart of Staveley Project.

On 13th May there will be a meeting to discuss the Chesterfield Canal Festival 2013 to be held at Staveley Town Basin.

The Town Clerk spoke to the previously distributed Report.

There was a discussion about the invitations issued by Guinness Northern Counties Housing Association for the event at Frecheville street.

It was agreed to accept Dr. Bradder's offer to meet on 30th April and the Town Clerk was asked to invite a representative from the appropriate Primary Care Trust.

GC

688/12

ACCOUNTS

a) The schedule of accounts paid since the last meeting

The Schedule of accounts paid by the Town Clerk and Financial Officer was submitted, each account having been signed by two members of the Council so authorised.

Councillor A. Hill asked why the cost of the Christmas Lights had been so high. The Town Clerk and Assistant Financial Officer repeated the history of the problems experienced at the time following new requirements from Derbyshire County Council limiting the contractors available.

b) Statement of Income and Expenditure

Following the adoption of the revised Standing Orders under Standing Order 19(b) the statements of Income and Expenditure are to be provided on a quarterly basis only.

c) Section 137 Appeals for Financial Assistance

Councillor A. Hill proposed that the two applications together with the

	<p>suspended applications be discussed by the Section 137 Committee, prior to the next Ordinary Meeting.</p> <p>Members agreed to the proposal.</p> <p>The Town Clerk said he was not aware that a Section 137 Committee had been set up but he would get Admin to check this, find out the Members on it and arrange a meeting.</p> <p>d) Other financial matters No other financial matters were received.</p> <p>689/12 WARD REPORTS</p> <p>a) There were no items to report by any Councillor regarding their Wards.</p> <p>b) Generally There were no items raised.</p> <p>690/12 ALLOTMENTS The Town Clerk reported the new composting toilet installed at Inkersall Allotments was due to be commissioned shortly. He had suggested that the mayor may be invited to open the facility.</p> <p>691/12 ITEMS FOR ACTION There were no items for action.</p> <p>692/12 SEALING OF DOCUMENTS</p> <p>RESOLVED – That the Common Seal of the Council be affixed to any documents or agreements necessary to carry into effect any resolution or decisions passed by or confirmed at this meeting.</p> <p>PART II CONFIDENTIAL ITEMS</p> <p>693/12 PUBLIC BODIES (ADMISSION TO MEETINGS ACT), 1960</p> <p>RESOLVED – That in view of the fact that publicity would be prejudicial to the public interest by reason of the confidential nature of the following matters, the public and representatives of the press be excluded from this meeting during the discussion thereof.</p> <p>694/12 ESTABLISHMENT Nothing to report.</p>	<p>GC</p>
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