

Langstone Community Council
Minutes of the Ordinary Meeting held on
Monday 13 September 2021
at 7.00 pm

Date: 13 September 2021

Time: at 19.00hrs

Venue: Zoom

In attendance:
Adrian Edwards Clerk
County Councillor W Routley
9 members of the public.

Cllr's Present
C Bryant A Jarman
L Humphries S George
M Griffiths M Kellaway
J Straw C Romani

Apologies received:
L Duthie
M Harring-Burn
J Harring-Burn

Absent:
A Tucker

21/194 Agenda Item 1. Apologies for absence.

Cllr L Duthie, M Harring-Burn, J Harring-Burn. Apologies were accepted due to family commitments

21/195 Agenda Item 2. Declarations of interest

Cllr Jon Straw, relating to the Clerks report

21/196 Agenda Item 3. 15 minutes set aside for Community interaction and members of the community to ask the Clerk or elected members questions of local interest. Any questions should be submitted to the clerk 3 clear working days before the meeting. All questions need to be relevant to the agenda.

The clerk received no requests to address the council.

21/196 Agenda Item 4. To receive and if appropriate agree the Community Councils minutes of the Ordinary Meetings on the 12 July 2021 as a true and accurate record:

Resolved: the minutes were accepted as a true and accurate record for the meeting on 12 July.

All those in attendance agreed

21/196 Agenda Item 5. Matters to report

The Clerk raised a point about waste bins and waste being left on the footways. He asked about the ownership of the bins. It was explained that the Community Council installed several waste bins at Priors Drive in Langstone. The City Councillor, Councillor Routley will look into this.

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Chairman's initials

21/197 Agenda Item 6. To receive and if appropriate agree the Community Councils minutes of the Co-option Meeting on the 2 August as a true and accurate record:

Resolved: the minutes were accepted as a true and accurate record for the meeting on 2 August.

All those in attendance agreed

21/198 Agenda Item 7. To receive and if appropriate agree the Community Councils Personnel Meeting on the 2 August as a true and accurate record:

Resolved: the minutes were accepted as a true and accurate record for the meeting on 2 August.

All those in attendance agreed

21/199 Agenda Item 8. To receive an update relating to Llandevaud Common following the Council meeting 12 July 2021:

The clerk explained that he doesn't need to read the full report as members have received a copy before the meeting for consideration.

A detailed discussion took place with a range of views expressed by Councillors. It was:

Proposed: by Cllr M Griffiths seconded Cllr S George that the clerk as the Proper Officer convenes a public meeting.

All those in attendance agreed

Cllr George asked about the cheques the Community Council agreed to some time ago, and will these cheques be replaced. It was explained the committee at that time did not have a relevant account, but this has been resolved. After some discussion and a range of views expressed by Councillors. It was:

Resolved: to replace the cheque/s agreed to previously

All those in attendance agreed

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Reports to: - Langstone Community Council members
Subject: - Report relating to Llandevaud Common
Report: - by the Clerk/Proper Officer
Date: - September 2021

This is a further report supplementing a number presented previously. This report is made without prejudice. As Clerk to the Community Council, I have a responsibility to provide as much information as possible. The information below may require a legal opinion and it is recommended that legal advice is sought. It's the Clerk's understanding the Community Council along with another Community Council took legal advice in 2018.

It is a popular misconception that common land is land owned by the general public and to which everyone has unrestricted right of access. All common land is private property, whether the owner is an individual, corporation, or local government or another agency.

Some members will be aware that Llandevaud Common was placed on the open market in 2018. Llandevaud Common was offered for sale but the Community Council expressed concern over a number of issues. The Common was put up for sale as agricultural land, and offered residents the opportunity to increase their gardens and boundaries.

As Clerk it's clear that some residents have extremely strong views about this Common land. Some of the questions which have been asked are how can the Community Council cut the grass or make it an area of open space for the community if the Community Council do not own the land.

I would like to pose the question; what is the difference between the Community Council and the City Council cutting grass under the Scheme of Management. City Council has a responsibility under section 9 of the Commons Act, but if the City Council doesn't have the budget, they don't have to undertake maintenance in connection with the Scheme of Management. The registration of the land in the Commons Register protects the public rights and any interference will be an offence. There are no specific registered rights, there are however legislative restrictions stating that the land cannot be enclosed and the public cannot be excluded. The City Council's management byelaws are also in place which prevent vehicles using the land or any nuisance being caused.

Different sections of the Commons Acts 1876, 2006, and other amendments and other regulations and Government SI's specify where the land owner or management committee need consent to carry out any restricted works on land registered as common land under the Registration Act. It would appear the Commons Committee and not intending to carry out restricted works and prevent or impede access to or over the land, install or construct fencing, buildings, structures, ditches, trenches, embankments or lay any new solid surfaces, such as for a new car park or access road. Section 38 applies to land that is not

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registered as common land which is regulated by a Provisional Order Confirmation Act under the [Commons Act 1876](#), or which is subject to a scheme of management.

If the Community Council shouldn't/can't make payment or contribute to provide an open space in Llandeud, members must be mindful about grants paid to other local groups that maintain land that is owned by third parties. Members will be mindful the Community Council fund the maintenance programme of two community parks in Langstone. Members are aware these two parcels of land are not in the ownership of the Community Council but on a lease agreement.

The Community Council also in the past has made substantial grant payments to the Langstone Village Hall that's not in the ownership of the Community Council. So, if the Community Council use the scenario that has been made by some of the objectors in Llandeud, the Community Council shouldn't have made those grant payments. The Community Council must be consistent in awarding funding from the public purse.

A number of Llandeud residents have voiced concern that Llandeud as a community has no community assets like a play park or open space. If the Community Council were to provide a communal play park open space the Community Council would need to enter in to a formal Lease Agreement with a local land owner to provide a play park or open space. For a point of clarity if the Community Council consider the argument put up on social media by some residents, the Community Council could not provide community assets as the Community Council don't have ownership of the land.

It's the Clerks understanding, during this time a number of building contractors inspected the Common for development. The Community Council, together with one of the Ward members from the City Council sought advice and guidance from City of Newport's Head of Law and other officers from other departments and were assured that the auctioneers amended the documentation for the Common before the auction took place.

It's the Clerks understanding Newport City Council confirmed that Llandeud Common is registered Common Land and, therefore, falls under the protection of s.9 of the 1965 Commons Registration Act. It would appear no owners could be established following an inquiry in 1973. The Commons Commissioner stated in a report, that *"reference relates to the question of the ownership of land known as Llandeud Common, Llanmartin, being the land comprised in the land section of the register unit No. CL 64 in the Register of Common Land maintained by the Monmouthshire County Council of which no person is registered under s 4 of the Common Registration Act 1965 as the owner"*.

Some members would be aware the Local MS established from Lesley Griffiths Cabinet Secretary for Rural Affairs that WG had no interest in, or ownership of, Llandeud Common. The Cabinet Secretary

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also stated *“buying and selling of common land is not unusual, it does not affect the legal rights attached, or its protection. I do not feel it appropriate to hold a debate on the abolition for feudal rights in the context of the exchange of common land “*

It's the Clerks understanding a meeting with the local MP took place and the MP raised in Parliament in July 2018, the matter of a proposed Law of Property Bill which was initially referred to in the Queens Speech in 2016. The following written question was then submitted: *To ask the Secretary of State for Justice, whether he plans to publish the draft Law of Property Bill announced in the 2016 Queen's Speech; and if he will make a statement (165514)*. It's the Clerks understanding no further action has been taken by central Government.

It would seem a small number residents are in conflict with a local Community Councillor. If residents have concern over the legal ownership, it would be for those with that interest, to take their own legal advice and contest the sale through the legal process. A number of departments have been contacted at Newport City Council and it would appear no actions have been taken at this stage.

It is for elected members to consider all the tools available to make a decision for the benefit for the Community.

In conclusion:

1. Do nothing.
2. The Community Council convene an open meeting to seek the views and allow residents to express their views, or
3. Publish an online survey, or
4. Publish a hard copy survey sent to every property in the community.
 - If 2,3 or 4 above are accepted, the results could then be published in a report, and resolved in the Council's minutes.
5. The Community Council provide assets for the wider community of Llandevaud.

Recommendation:

1. Seek a legal opinion before considering/awarding a grant payment
2. No action is not going to beneficial for the Community.

AUTHOR:

Clerk/Proper Officer

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21/200 Agenda Item 9. Consider any City Councillor reports

Cllr Routley offered Cllr Mogford's apologies due other commitments

Cllr Routley gave those present a verbal report on a number of matters, including the active travel in the community and wider areas.

Cllr Routley explained that he and Cllr Mogford have had conversations with Gwent Police over traffic speed and other matters of traffic control.

Cllr Routley explained that he and Cllr Mogford still haven't received a copy of the results from the traffic survey, but both City Councillors will be pursuing this with officers.

One Councillor asked about a bus service in the wider community and outlying villages. It was explained that the current service only travels on the main road network. It was explained that previously the grass roots bus from Monmouthshire used to service the area.

One Councillor asked about the matter of flooding in the area in the past. Cllr Routley explained that the flooding on the 23 December, was due to the system not coping with the inclement weather. It was explained that the drainage systems have since been serviced. It was explained that Hydra agreed to a number of conditions in 2005 but there are still a number of issues that need investigation.

Cllr Routley answered a question about a 20mph speed limit that has been introduced in neighbouring communities. Cllr Routley explained that no further 20mph speed limits will be introduced by Welsh Government. The Clerk explained that Welsh Government published a consultation on the 9 July 2021 on the proposal to introduce a default 20mph speed limit on restricted roads in Wales.

Cllr Routley gave those present a verbal report on the intake at the school and he understands that ten families have needed to travel to other schools. He has spoken to the Children's Commissioner relating to this matter.

Cllr Routley made representation about the current Local Development Plan (LDP) and the current process, but he thinks it would be best to reserve comment until further candidate sites come forward.

21/201 Agenda Item 10. Active Travel Arrangements update in Langstone and surrounding communities (C Cllr Mogford);

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No further comment was made until Cllr Mogford attends the next meeting.

21/202 **Agenda Item 11.** To consider any verbal or written reports from Gwent Police

No reports received and no officer in attendance

21/203 **Agenda Item 12.** To consider any verbal or written clerks reports

- i) Finance report, relating to grants and payments to third sector groups and organisations
- ii) Queens 70th Platinum Jubilee Celebrations
- iii) Report on member's remuneration payments for 2021/22
- iv) Report on the reply from PSOfW and the office of the ICO

The Clerk explained to members that the finance report i) is a substantive document for members to consider its content. He explained members may wish to defer to a further meeting, but he would like member's consideration relating to the grant forms attached to the report. A discussion took place with a number of views expressed, and agreed the grant application forms are accepted.

Members noted the report
This report is an appendix to the minutes.

The Clerk presented the following report. A discussion took place with a number of views expressed, and it was resolved: The Clerk to present further information in the following meetings.

Reports to: - Langstone Community Council members
Subject: - Report relating to the Queens 70th Platinum Jubilee Celebrations
Report: - by the Clerk/Proper Officer
Date: - September 2021

This report is to seek to views of members regarding how to celebrate the Queens 70th Platinum Jubilee Anniversary.

Members may be aware there will be an extended bank holiday, from Thursday 2nd to Sunday 5th June 2022, providing an opportunity for communities of Langstone and surrounding areas, along with people throughout the UK to come together to celebrate this historic milestone.

1. Members may be mindful, to celebrate this historic milestone, the Community Council issue all the pupils of the Junior School a celebratory mug, if the Head Teacher and Governors of the School are in agreement. Currently the school has 347 pupils that attend the school plus 34 staff members. The Community Council could issue every pupil and staff member with a

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mug and the estimated cost would be around

£ 2,400.00. For items like this,

the lead up time will be around 6 to 8 weeks.



2. The Community Council could if members are mindful, purchase two benches to be sited in Langstone and Llandevaud; an estimated cost of £1,050.00 for each bench.

For items like this, the lead up time will be around 8 to 10 weeks.

3. The Community Council could if members are mindful, plant a tree or trees in Community location/s to be confirmed and agreed.

4. The Community Council could if minded, purchase larger flower planters and install them at the entrance to the Community. A planter is fabricated from steel, hot dipped galvanized for weather and corrosion protection, then painted using acrylic paint. They all come with a 25 year UK guarantee.

5.



This would need consent from the Local Highway Authority, with an estimated cost of £3,424. For items like this, the lead up time will be around 9 to 10 weeks.

6. The Community Council could if members are mindful, to have a community event or events in the village hall or halls.

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7. The Community Council could consider contributing to the Hall Management Committees to provide a community event.

All of the above, and is not limited to those points above, is for members of the Community Council to consider all avenues.

Author:

Clerk/Proper Officer to Langstone Community Council.

The clerk presented the report on Remuneration of Community and Town Council members. A discussion took place with a number of views expressed. After some discussion it was:

Resolved: that all the determinations were accepted by all those present

Subject:- Remuneration of Community and Town Council

Report:- by the Clerk

Date:- September 2021

This report is to provide members with information regarding the current changes to remuneration for elected members. The Remuneration Panel has the responsibility for the remuneration of Community and Town Councils under the Local Government (Wales) Measure 2011 amended by the Local Government (Democracy) (Wales) Act 2013.

The Remuneration Panel stated it completely understand the implications that the pandemic has had and continues to have on all local authorities in Wales, so the proposals contained in the draft Annual Report published in February 2021 limited the extent of the changes to our Remuneration Framework 2021/2022.

A number of people are under the impression that Community Councils stopped operating during the restrictions that Welsh Government put in place due to Covid-19. Members of the Community Council would have still had information via electronic methods. Everyone is aware of the need for meetings to be convened on a face-to-face basis, but that has changed due to restrictions since March 2020.

The year before, the Panel met with over 304 Councillors and Clerks representing 302 Community and Town Councils in 17 meetings held across Wales. The discussions reconfirmed the widely held view that the roles individual councils undertake varied significantly and in accordance with this wide variation, the responsibilities and accountabilities of councillors must also vary. Councillors managing income or expenditure of £1million and those delivering significant services, including some that might have been

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delegated from principal councils, are operating in a much more complex environment than a council with an annual budget of less than £30,000.

Subsequent Annual Reports have developed ideas for remuneration of Community and Town Councillors, allowing flexibility to meet appropriate responsibilities. The Remuneration Panel recognises the wide variation in the scope and size of the 735 Community and Town Council in Wales, from small Community Councils with relatively minimal expenditure and few meetings to large Town Councils with significant assets and responsibilities.

The Remuneration Panel is determined to form groups of Community and Town Councils to reflect these differences. The Remuneration Panel examined a range of measures it could use as the basis for any groupings and it considers that 3 groups based on the level of income or expenditure, whichever is the highest, in the previous financial year, is most appropriate. Using income or expenditure figures better reflects the activity levels of a Council than population ratios which the Panel found did not correlate to income or expenditure.

For the avoidance of any doubt and ease for Councils and its members to understand which group they belong to, a grid has been provided.

Community and Town Council Group	Income or Expenditure of:
A	£200,000 and above
B	£30,000 - £199,999
C	Below £30,000

The Remuneration Panel has always been of the opinion Community and Town Councillors are **not volunteers** because further to the democratic process, they have accepted formal responsibilities and they all face some degree of liability, in respect of the Council's functions. Also, the Panel wants any member who has personal support needs and or caring responsibilities to be able to fulfil their role.

The Remuneration Panel is mandating payment of a contribution to costs and expenses, and reimbursement of the costs of care, in order to compensate elected members of Community and Town Council for expenses and costs involved in carrying out their duties.

Consequently, individuals who have accepted office as a member of a Community/Town Council is entitled to receive payments as determined by the Independent Remuneration Panel for Wales. It is the

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duty of the Proper Officer of a Council to arrange for correct payments to be made to all individuals entitled to receive them.

Payments made in the past:

For the avoidance of doubt, members of Langstone Community Council who have accepted the remuneration payment previously are:

Cllr C Pike, Cllr J Lloyd, Cllr M Backhouse, Cllr H Brown, Cllr J Ford, Cllr R Hollister, Cllr L Aherne, Cllr L Humphries, Cllr C Bryant, and Cllr M Griffiths (Payment was made to Cllr Griffiths although payment was not requested)

Remuneration payment:

The Remuneration Panel continues to mandate a payment of £150 as a contribution to costs and expenses for members of all Community and Town Councils.

Where not mandated, each determination requires a formal decision by each of these Community or Town Councils annually. A Council can adopt any or all of the non-mandated determinations but if it does make such a decision, it must apply to all its members.

Remuneration payment to Chair and Deputy:

Community and Town Councils are authorised to provide a Civic Head payment to the Mayor/Chair of the Council up to a maximum of £1,500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made.

A Community and Town Council are authorised to provide a Deputy Civic Head payment to the deputy Mayor/Deputy Chair of the Council up to a maximum amount of £500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made.

The Remuneration Panel recognises that there can be significant travel and subsistence costs associated with the work of Community and Town Council members, especially where the Council area is geographically large and/or when engaging in duties outside this area. (See Determination 45 below).

The Remuneration Panel has retained the facility that Council may pay as compensation to their members where they suffer financial loss when attending approved duties.

Reimbursement of the costs of care.

The Remuneration Panel's purpose of this is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as an elected member of an Authority. The

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Remuneration Panel believes that the additional costs of care required to carry out approved duties should not deter people from becoming and remaining a member of an Authority or limit their ability to carry out the role.

Publishing; allowances, fees and reimbursements payments:

The relevant Authority must make arrangements for publication, within the Authority area, of the total sum paid by it to each member and co-opted member in respect of salary (basic, senior and civic), allowances, fees and reimbursements in a Statement of Payments (in accordance with Annex 4 of the Report that sets out the content that must be included in the Publicity Requirements) as soon as practicable and no later than 30 September following the close of the year to which it relates. It must be submitted to the Panel no later than that date.

In Conclusion:

Members must consider all of the determinations and vote on each one separately. Members will need to consider these by the end of April and a mandate is in place for the next Council's Annual meeting in May 2022.

Members must be mindful that any reimbursement payment made to any Councillor will need to notify HMRC either by each Councillor submitting their own information to HMRC or by the Community Council in line with their PAYE responsibilities, making deductions from a member. A concern is that the member is not an employee.

For the avoidance of any doubt, costs in respect of, for example, physical transport or mileage costs, secretarial support, charitable giving (purchasing tickets, making donations or buying raffle tickets) and clothing are **not** matters of personal remuneration for the individual holding the senior post. These should be covered by a different budget like a Civic Budget.

The Panel continues to mandate a payment of £150 as a contribution to costs and expenses for members of all Community and Town Councils.

For the avoidance of doubt this determination now includes all Councils. Receipts are not required for these payments.

Determination 41: All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:

- *Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced.*

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- *Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real UK Living Wage at the time the costs are incurred.*

This must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Payment shall only be made on production of receipts from the care provider.

Determination 42: All Community and Town Councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.

For or Against:

Determination 43: Community and Town Councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.

For or Against:

Determination 44: Community and Town Councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.

For or Against:

Where a person is a member of more than one Community or Town Council, they are eligible to receive the £150 and, if appropriate, £500 from each Council of which they are a member.

Determination 45: Community and Town Councils can make payments to each of their members in respect of travel costs for attending approved duties. Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:

- 45p per mile up to 10,000 miles in the year.
- 25p per mile over 10,000 miles.
- 5p per mile per passenger carried on authority business.
- 24p per mile for private motor cycles.

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- 20p per mile for bicycles.

For or Against:

Determination 46: If a community or Town Council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:

- £28 per 24-hour period allowance for meals, including breakfast where not provided.
- £200 – London overnight.
- £95 – elsewhere overnight.
- £30 – staying with friends and/or family overnight.

For or Against:

Determination 47: Community and Town Councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:

- Up to £55.50 for each period not exceeding 4 hours
- Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours

For or Against:

Determination 48: Community and Town Councils can provide a payment to the Mayor or Chair of the Council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

For or Against:

Determination 49: Community and Town Councils can provide a payment to the deputy Mayor or deputy Chair of the Council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

For or Against:

The Clerk presented the following report. A discussion took place with a number of views expressed, and agreed to accept the report and noted its comments.

Members noted the report

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Reports to: - Langstone Community Council members
Subject: - Report relating to complaint made to the Public Service Ombudsman for Wales
Report: - by the Clerk/Proper Officer
Date: - 13 September 2021

This report is to give elected members an update on the decision of the Public Service Ombudsman for Wales (PSOfW) inspector. This report is not full and comprehensive, due to a number of subjects that may be prejudicial to the public interest under data protection.

The inspector, accepted the self-reporting complaint made by myself as Clerk and Proper Officer on the self-reporting matters of several administration errors and or maladministration.

The PSOfW explained that the ombudsman office considers complaints of maladministration or service failure which causes hardship or an injustice to the public.

The PSOfW takes into account the legal powers and the jurisdiction as well as thinking about whether the investigation is proportionate, taking into account the limited resources and whether anything can be usefully achieved.

The PSOfW cannot condone the administrative irregularities and the proper processes which have not been followed regarding the matters reported. The PSOfW explained that he doesn't expect issues that may amount to maladministration to be self-reported.

The PSOfW has indicated that he is not going to investigate further, but has explained that he is satisfied that I have brought all the matters of concern to the council for consideration and to decide what further action the council may wish to take.

It's been recommended that the council may wish to take advice from One Voice Wales or the Monitoring Officer. On a personal note, I don't think OVW or the Monitoring Officer will be able to offer any other advice.

If the Council are concerned that financial and accounting irregularities have taken place it can be taken to the Police or the Wales Audit office for further investigation, but that's for members to conclude.

The Ombudsman office recommends that the council contacts the offices of the ICO or the Police regarding the document file that was removed from the council's office, containing information that could have been being removed or data that may have been shared or been disclosed.

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The investigator is satisfied that the council has done what can, to mitigate any further actions relating to this matter.

It is for members to consider if you would like to take any further action relating to both situations.

21/205 Agenda Item 13. Consider any planning applications received before the meeting

- i. 21/0853 Woodlands, Magor Road, Newport, NP18 2JX
- ii. 21/0813 Llanbedr Court, Chepstow Road, Newport, NP18 2AA
- iii. 21/0782 43 Park End, Langstone, Newport, NP18 2NA
- iv. 21/0702 Ty Newport Hotel, Chepstow Road, Newport, South Wales
- v. 21/0704 The Glen, Chepstow Road, Newport, South Wales NP18 2AA
- vi. 21/0686 Tree Tops, Caerlicken Lane, Langstone, Newport NP18 2JZ
- vii. 21/0646 Millfield Holdings, Watery Lane, Langstone, Newport NP18 2LA
- viii. 21/0628 Penrhiw, Chepstow Road, Newport, NP18 2JN
- ix. 21/0601 11 Tregarn Court, Langstone, Newport NP18 2JJ
- x. 21/0598 Silver Birches, Catsash Road, Newport, NP18 2LZ
- xi. 21/0543 15 Stockwood Close, Langstone, Newport, NP18 2NW

The Planning Applications above were discussed. All the applications had been sent to all elected members during the month prior to the meeting.

Standing orders were suspended for 15 minutes to allow the business on the agenda to be concluded

All those present agreed.

21/206 Agenda Item 14. To note finance matters, including Income & Expenditure.

Langstone Community Council

Date: 28 July to 13 Sept 2021

Subject: **Invoices and Payments**

Reason for payment. In light of the changing circumstances surrounding COVID-19 Langstone Community Council need to make payments to companies or individuals.

Langstone Community Council have received the following invoices for payment.

Under s5 Financial Regulations, "Banking Arrangements and Authorisation" the Clerk and (RFO) shall have delegated authority to authorise the payment of items only in the following circumstances:

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“If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998”.

Any expenditure item authorised under these regulations, where it states continuing contracts and obligations, the Clerk shall provide a list of such payments to be submitted to the next appropriate meeting of Council or finance committee.

A record of regular payments made under this regulation shall be drawn up and be signed by two members on each and every occasion when payment is authorised, thus controlling the risk of duplicated payments being authorised.

Date	Payment to	Amount	Cheque
	Payments from 28 July to 13 Sept 21	Amount	
13 Sept 21	Balance on account	£80,472.57	
13 Sept 21	Lloyds Bank	£17.39	D/D
13 Sept 21	Microshade VSM	£57.54	D/D
13 Sept 21	Rombourne Ltd August	£673.13	D/D
13 Sept 21	Reimbursement on Clerk travelling June	£178.48	362
13 Sept 21	Reimbursement on Clerk	£187.68	360
13 Sept 21	Clerks Salary		363
13 Sept 21	Reimbursement to Cllr Bryant	£22.13	365
13 Sept 21	WM Ground Services	£2088.00	366
13 Sept 21	HMRC		367
13 Sept 21	Rombourne Ltd September	£673.13	D/D
	Balance on account 1 Sept 2021	£77,487.92	

Cllr **Carol Bryant**, Chairman of Langstone Community Council confirm the Clerk under the above regulation make payment to the above-named recipients:

Signed:Dated:2021

I Cllr **Lance Humphries** Chair of Finance Committee and signatory Langstone Community Council confirm the Clerk under the above regulation make payment to the above-named recipients:

Signed:Dated:2021

21-9-13 September Minutes Ord meeting

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This document has been redacted with signatories and staff salaries

21/207 Agenda Item 15. Consider any correspondence received before the meeting (all correspondence is sent to members electronically for consideration)

Members noted all the correspondence sent to them prior to the meeting. No further comments were made.

21/208 Agenda Item 16. Reports from members on outside bodies;

Cllr Humphries gave members a verbal report relating to a meeting he attended at Langstone Village Hall as the Community Councils co-opted member. He informed the meeting that the Village Hall income was down by around 80%.

Those present noted the verbal report.

The Clerk asked the Chair if he could inform elected members about the ongoing concern he has over the email address he uses as the Clerk. He explained that it has come to light the Clerks emails had been redirected to other Councillor's email addresses. He explained that all redirections had been stopped and redirection removed within the first two days of employment. But it has come to light on the Monday prior to this meeting the Clerks emails are still being redirected to other email addresses within the Community Council.

There was some detailed discussion with a range of views expressed by the Clerk and Councillors. It was:

Proposed: by the Chair and seconded by Cllr J Straw that the Clerk seeks to change the email address for the Clerk and members.

The Clerk explained that this will be a cost on top of the expenditure already incurred by the Community Council.

21/209 Agenda Item 17. Date of the next meeting 11 October 2021

21/210 Agenda Item 18. Members request for items for inclusion on the agenda: (Motions need to be tabled with the Proper Officer at least 10 clear days before the meeting.)

The Chair thanked everyone for attending and the meeting closed at 21.15hrs

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Reports to: - Langstone Community Council members
Subject: - Report relating to Finance matters
Report: - by the Clerk/Proper Officer
Date: - July 2021

This report is to allow elected members the opportunity to consider some of the issues and to enable the Community Council to comply with the Community Council's finance regulations.

This report is not indicating the Community Council should stop or decline from awarding financial help to the wider community under the relevant sections contained in Community Councils Standing Orders and Finance Regulations along with relevant Acts of Parliament.

The current Community Council finance reports indicate that the Community Council awards a number of grants to local organisations and groups on an annual basis.

It's noticeable from the minutes, and the Community Council voucher book that no grant applications have been recorded by the Community Council. Grant payments have been made on an ongoing concurrent basis.

It would appear payments have been presented by the RFO for payment without consultation with the Community Council Chair or the Chair of the Finance Committee, before the meeting where the payments were presented for agreement.

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1. Grant payments:

The Community Councils Standing Orders or Finance Regulations state: Payments of the Authority is to be determined by:

1. *The Council award all items over £5,000;*
2. *A duly delegated committee of the Council for items over £500; or*
3. *The Clerk/Proper Officer, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £500.*
4. *Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk/Proper Officer, and where necessary also by the appropriate Chairman.*

1.01 The Community Council distributed funds between a number of wide and varied groups. The funds are ranging between £100.00 to £400.00. The Regulations indicate, the *Clerk/Proper Officer, in conjunction with Chairman of Council or Chairman of the appropriate committee, payments for any items below £500 should be agreed.*

1.02 here doesn't appear to be any notes of meetings with the Community Council Chair or the Chair of the relevant committees, to agree the process, in line with the adopted Financial Regulations.

1.03 For the avoidance of doubt, I have listed some of the organisations or groups that have received funding in 2020/21. This information is in the public domain. *CLIC Sargent, Eden Gate Night Shelter, Kidney Wales, Talking Books Wales, Macmillan Cancer Support, SARA, Alzheimer's Society Cymru,*

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Langstone Ladies Friendship Group, Wales Air Ambulance, Langstone Primary School, Royal British Legion Gwent, Langstone Seniors, 1st Llanmartin Scouts, Sparkle, Age Cymru Gwent, Diabetes UK Newport Group, Parkinson's Society, HCPT Group 99, Newport MIND all received funding.

1.04 Llanmartin, Llandevaud and Langstone Church, along with Langstone Village Hall, also received £500.00 each on a concurrent basis again without applications being made for consideration and agreement.

1.05 As the current RFO, there would appear to be very blurred lines between the Community Council and Langstone Village Hall regarding finances.

1.06 From the minutes, the Community Council approved a loan of £12,000 to the Village Hall and the loan was due to be repaid over a two-year period. There doesn't seem to be a formal agreement. Again, it's similar to other grants or loans with a number of other payments; there is no formal agreement for this payment.

1.07 In a budget forecast report by the Village Hall Treasurer, it was reported the Community Council has allocated £6,549 +Vat for the refurbishment of the Kitchen during 2020-21 financial year. The voucher payments have been made totalling £8,586.77 without an explanation for the increase and not recorded in the minutes. It was reported (Minute 19/205 reports) the kitchen refurbishment is to be completed in the summer (2020) and funded by s106 money. Minute 19/177 indicated *"the Council resolved to ensure that the NCC allocation (S106 residual funding) is fully spent on LVH, so as not to lose the funding"*.

1.08 It's noted from Langstone Village Hall minutes published with the Charity Commission, the Village Hall committee was due to repay a contribution back to the Community Council at the end June 2021 to a value of £3,017.37. This would appear to be the loan from 19/20 financial year.

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1.09 Concern must be expressed the Community Council were acting as bankers. The Community Council paid the invoices when the Community Council doesn't appear to have issued any purchase orders or works orders to counter balance the budget.

1.10 Again, reinforcing the point about blurred boundaries between both parties. A former councillor reported "LVH are invoicing is now done monthly in advance. New chairs had been purchased. External doors would be replaced in Easter holidays". The Community Council don't have any authorisation for the management of LVH, as trustees are in place, and the management is totally autonomous.

1.11 From the same minutes it states that the Community Council paid £9,876.00 for the replacement of new doors at the Village Hall. The Community Council covered this cost following receiving a receipt from a local company. Members of the Community council must be mindful about spending public money without a full paper trail. The finance regulations indicate, when the Community Council enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in the regulations: "*the Clerk shall obtain 3 quotations (priced descriptions of the proposed supply)*"

1.12 This is a requirement. It would appear the Community Council covered the cost of the replacement doors without going out to tender. The Community Council did not receive an appropriate grant application with breakdown of costs etc either.

2. Public money:

2.1 When the Community Council are holding and handling public funds members of the Community Council must be mindful of the financial rules, and a number of statutes and procedures which protect the Community Council.

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2.2 Most importantly the rules give the Community Council the tools it needs to make best use of public money. The rules set by Government are designed to make sure that the Community Council takes no unacceptable risks with public money. “Accounts and Audit Wales Regs 2014” refer.

2.3 The Community Council has a risk management system in place, and that indicates the Community Council or the Council Chair or Chair of Finance Community should have input into the process as indicated above, and a resolution should be resolved in a Council meeting. That process alleviates any such risks.

2.4 The Community Council should not make payments, to enable the Community Council to reclaim any Vat on a project the Community Council does not have full and total control over.

2.5 The Community Council has reimbursed the Village Hall, or paid contractors directly without issuing a purchase order or a works order. Again, the Community Council should not take any unacceptable risk. In several instances payments have been made without a receipt or a valid invoice. This is a risk to the Community Council and these instances do not follow the Financial regulations.

2.6 The Community Council should not be the intermediary for a third party and hold funds and distribute them or make payments to cover invoices where the Community Council have not issued Purchase Orders or Direct Works Orders.

2.7 As Councillors you share responsibility for financial management of the Council, but the finances are administered by an officer known, in law, as the Responsible Financial Officer RFO.

2.8 Members may be aware of a report from the Auditor General relating to money collected by Machynlleth Town Council after the murder of a young girl. The Auditor General said this was outside its powers and should not have happened. The Audit report said: “*Machynlleth Town Council banked X*

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pounds of public money before transferring it to a fund. This was something it did not have the authority to do. Auditor BDO said money offered by the public should have been refused”. The report also drew attention to failures in Governance arrangements and inadequacies in financial management and internal control at the Council.

2.9 Therefore, as the current RFO I would like to remind elected members that you must be mindful about awarding grants and making payments to third parties without applications or formal motions to Council meetings. All members should be aware of the payments and all members of the public also aware of any such payments.

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3. Members Training:

3.1 It is also apparent the Community Council has funded training for people who were not/have not been elected members. It would seem the Community Council requested that people wishing to be co-opted should attend Code of Conduct training. It isn't the norm for a Community Council to pay for an un-co-opted person to attend training. Some of the people have not been co-opted or elected onto the Community Council.

3.2 With regard to training, there are two levels of training fees, for elected members and/or non-elected people. It would appear from the accounts there has been no indication to the training provider that unelected/co-opted members were attending a training session.

4. Incoming Grant funding:

4.1 It would appear from the Community Councils accounting process, the Community Council received finances from a third party. The Community Council have no paperwork or any electronic copy of the application for Welsh Government funding, apart from an email.

4.2 Not all grants have been reported to Council. A grant of £10k was recorded as income in the Community Councils cash book, but it's not been reported those funds were transferred to a third party (LVH). This could be classed as a risk to the Community Council.

4.3 The Community Council received a grant payment for £10k from a Welsh Government reliance package. Concern must be expressed it would appear members were unaware an application had been made, and the grant had been received. Again this funding has never been recorded in the minutes as income

5. Grants to places of Worship

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5.1 Members of the Community Council must be mindful about awarding funding to places of Worship, which the Community Council has done in the past. Under the current law, civil Parish/Community and Town Councils in England and Wales raise a precept that enables money to be spent on matters that are important to and benefit the local community. However, there are opposing views on whether or not Parish/Community and Town Councils in England and Wales may make grants to places of Worship.

5.2 The Society of Local Council Clerk (SLCC) become aware and took the view that Parish/Community and Town Councils are prohibited from giving money to places of Worship – the suggestion being that s8(1)(i) Local Government Act 1894 prohibits such financial support and that – unlike other aspects of that Act – there has been no subsequent legislation that has decisively overridden the prohibition. S.8 enumerates the powers of Parish/Community Councils and 8(1)(i).

5.3 The Church Buildings Council, following legal advice, has concluded that the provisions of the Localism Act 2011 and the Local Government Act 1972 allow for all local authorities, including Parish/Community Councils, to contribute to the upkeep of Church property under certain circumstances – mainly related to the public benefit achieved. A comprehensive guidance document, can be viewed [here](#).

5.4 In March 2018, the Church Buildings Council, posted legal advice which throws doubt upon a document recently circulated by the National Association of Local Councils.

5.5 This matter is a very grey area, and as the current RFO I'm not suggesting that financial support is withdrawn, but members must be mindful of the points made above.

6. Governance and Transparency

Meeting Note:

6.1 All payments need to be accompanied with an invoice or application for payment so all payments can be cross checked. Its good practise to only award grants to groups and organisation on presentation of an application.

6.2 This report is not suggesting that the Community Council do not support local organisations and groups, but elected members need to consider the Community Council Finance Regulations.

6.3 The Community Council has a grant application form. (See appendix 1), and the Community Councils' conditions state: "The award must be used for the purpose for which the application was made". Without an application the Community Council don't know what the application was for or used for.

6.4 The Community Council doesn't have upper limits on applications that can be awarded.

6.5 Payments should only be used for the benefit for residents that reside in the Langstone Community Council electoral ward. The Community Council takes no unacceptable risks with public money.

6.6 Grant payments cannot be awarded to an applicant if the funding is going to be forwarded to a third party

6.7 All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in within the Regulation.

7. Proposed Recommendations:

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7.1 *The Community Council only make awards on receipt of a written application*

7.2 *The Community Council will only consider a grant/loan award from a group or organisation that reside or benefit residents of Langstone Electoral Ward.*

7.3 *The Community Council will only consider a grant/loan award from a group or organisation that has a Constitution.*

7.4 *The Community Council will not enter into any loan request without a formal agreement signed by the Chair of both parties witnessed by the Proper Officer or a Community Councils legal representative.*

7.5 *Anyone wishing to apply for funding, should make this in writing and accompanied with a signed application form by the organisations Chair & Secretary. (appendix2) & (appendix3)*

7.6 *The Organisation to indicate if they have or will be applied/ing for financial help or funding from a different organisation or funders.*

7.7 *The organisation should be required to provide three estimates or tenders over a X amount (or explain why this is not possible), relating to the work which they are applying for financial help (The Community Council members need to set a limit to any funding without special need)*

7.8 *The organisation should have the relevant insurances i.e. public liability insurance, insurance to cover volunteers.*

7.9 *All payments will only be paid into a Bank or Building Society account, in the name of the organisation which has made the application,*

7.10 *Letter to confirm what the grant funding was used towards what the grant was paid for and signed by the organisations Chair & Treasurer.*

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7.11 The Community Council only retains funds for the Community Council use under the relevant regulations and Acts of Parliament.

7.12 The Community Council have clear boundaries between local groups and organisations.

7.13 The Community Council will only make a payment on receipt of a valid invoice.

7.14 Amend the application form to take into account the above if resolved to accept.

Langstone
Village Hall

Funding
Received

Financial Year				
16/17	S106	£	60,000.00	Recorded as Miscellaneous Income
17/18	LVH Contribution	£	10,000.00	
17/18	LVH Contribution	£	697.93	
17/18	S106	£	5,451.14	Community Hall Improvements
	Total	£	76,149.07	

Expenditure

Financial Year	Budget allocation	Budget Spend	Budget Heading	Spend (Inc VAT)	Spend (ex VAT)	VAT
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13/14	£		4348 LVH Refurbishments	£ 2,856.00	£ 2,380.00	£ 476.00	LVH Car Park
	-	£ 2,380.00					
	£		4348 LVH Refurbishments	£ 4,520.40	£ 3,767.00	£ 753.40	LVH Car Park Extension
	-	£ 3,767.00					
13/14 Totals	£	£ 6,147.00		£ 7,376.40	£ 6,147.00	£ 1,229.40	
	-						
14/15	£ 4,000.00	£					
		-					
14/15 Totals	£ 4,000	£		£	-	£	
		-					
15/16	£ 12,500.00	£ 900.00	4346 Village Hall Improvements	£ 1,080.00	£ 900.00	£ 180.00	LVH Structural Survey
15/16 Totals	£ 12,500.00	£ 900.00		£ 1,080.00	£ 900.00	£ 180.00	
16/17	£ 12,500.00	£ 1,126.40	4348 Village Hall Improvements	£ 1,351.68	£ 1,126.40	£ 225.28	LVH Tender Documents
		£ 150.00	4348 Village Hall Improvements	£ 180.00	£ 150.00	£ 30.00	Consultation fee on account
		£ 1,590.00	4348 Village Hall Improvements	£ 1,908.00	£ 1,590.00	£ 318.00	Structural Design
		£ 400.00	4348 Village Hall Improvements	£ 480.00	£ 400.00	£ 80.00	Tender Report
		£ 400.00	4348 Village Hall Improvements	£ 480.00	£ 400.00	£ 80.00	Project Management fee
		£ 1,150.00	4348 Village Hall Improvements	£ 1,380.00	£ 1,150.00	£ 230.00	Project Management fee
16/17 Totals	£ 12,500.00	£ 4,816.40		£ 5,779.68	£ 4,816.40	£ 963.28	
17/18	£ 95,000.00	£ 1,153.00	4348 Village Hall Improvements	£ 1,384.30	£ 1,153.58	£ 230.72	Project Management fee

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		£	19,812.46	4348 Village Hall Improvements	£	23,774.95	£	19,812.46	£	3,962.49	Stage 1 payment
		£	300.00	4346 LVH Refurbishment OLD	£	360.00	£	300.00	£	60.00	Professional fees
		£	15,884.13	4348 Village Hall Improvements	£	19,060.96	£	15,884.13	£	3,176.83	Stage 2 payment
		£	400.00	4348 Village Hall Improvements	£	480.00	£	400.00	£	80.00	Project Management fee
		£	24,716.61	4348 Village Hall Improvements	£	29,659.93	£	24,716.61	£	4,943.32	Stage 3 payment
		£	400.00	4348 Village Hall Improvements	£	480.00	£	400.00	£	80.00	Project Management fee
		£	9,839.66	4348 Village Hall Improvements	£	11,807.59	£	9,839.66	£	1,967.93	Stage 4 payment
		£	100.00	4348 Village Hall Improvements	£	120.00	£	100.00	£	20.00	
		£	16,770.44	4348 Village Hall Improvements	£	20,124.53	£	16,770.44	£	3,354.09	Stage 5 payment
		£	3,987.44	4348 Village Hall Improvements	£	4,784.93	£	3,987.44	£	797.49	Stage 6 payment
		£	2,333.61	4348 Village Hall Improvements	£	2,800.33	£	2,333.61	£	466.72	Final payment
17/18 Totals	£	95,000.00	£	95,697.35		£	114,837.52	£	95,697.93	£	19,139.59
18/19	£	-	£	-	4348 LVH Improvements						
	£	5,451.00	£	-	4349 Community Hall Improvements						
18/19 Totals	£	5,451.00	£	-		£	-	£	-	£	-

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19/20	£ 5,451.00	£ 600.00	4348 LVH Improvements	£ 600.00	£ 600.00	£ -	Deposit for doors
		£ 7,630.00	4348 LVH Improvements	£ 9,276.00	£ 7,630.00	£ 1,646.00	Doors
19/20 Totals	£ 5,451.00	£ 8,230.00		£ 9,876.00	£ 8,230.00	£ 1,646.00	
19/20 Loan to LVH	£ 2,236.00	£ 1,228.00	4349 Loan to LVH	£ 1,228.00	£ 1,228.00	£ -	Blinds
		£ 916.67	4349 Loan to LVH	£ 1,100.00	£ 916.67	£ 183.33	Flooring
		£ 91.67	4349 Loan to LVH	£ 91.67	£ 91.67	£ -	Bins
		£ 781.03	4349 Loan to LVH	£ 781.03	£ 781.03	£ -	
	£ 2,236.00	£ 3,017.37		£ 3,200.70	£ 3,017.37	£ 183.33	
20/21	£ 6,549.00	£ 4,014.81	4348 LVH Improvements	£ 4,817.77	£ 4,014.81	£ 802.96	Kitchen Units
		£ 333.33	4348 LVH Improvements	£ 400.00	£ 333.33	£ 66.67	Kitchen Electrics
		£ 2,645.83	4348 LVH Improvements	£ 3,175.00	£ 2,645.83	£ 529.17	Kitchen Fitting
		£ 161.67	4348 LVH Improvements	£ 194.00	£ 161.67	£ 32.33	Kitchen Units
21/21 Totals		£ 7,155.64	4348 LVH Improvements	£ 8,586.77	£ 7,155.64	£ 1,431.13	
*Accounting adjustment of £781.03. Budget spend £6375							

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Financial Year	Budget	Spend
	£	
13/14	-	£ 6,147.00
	£	
14/15	4,000.00	£ -
	£	
15/16	12,500.00	£ 900.00
	£	
16/17	12,500.00	£ 4,816.00
	£	
17/18	95,000.00	£ 95,698.00
	£	
18/19	5,451.00	£ -
	£	
19/20	5,451.00	£ 8,230.00
	£	
20/21	6,549.00	£ 6,375.00
	£	
	141,451.00	£ 122,166.00

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