

Langstone Community Council
Minutes of the Ordinary Meeting held on
Monday 12 July 2021
at 7.00 pm

Date: 12 July 2021
Time: at 19.00hrs

In attendance: Adrian Edwards Clerk
City Cllr Mogford
20 members of the public.

Venue: Zoom

21/173 Cllr's Present
C Bryant
L Humphries
M Griffiths
J Straw
M Harring-Burn
J Harring-Burn

Apologies received:
Cllr L Duthie
C Cllr W Routley

Absent:

21/174 Agenda Item 1. Apologies for absence.

Cllr L Duthie, who returned the declaration form.

21/175 Agenda Item 2. Declarations of interest

Cllr J Straw declared a Personal and Prejudicial interest in the Clerks reports. Other members will make a declaration if and when the member believes there's a need.

21/176 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.

- Why are the zoom videos not being recorded when it was agreed that the meetings would be recorded?
(The last meeting was not recorded)

The resident who requested the question in writing did not respond to the request when asked to put the question that was submitted to the meeting. Therefore, the Chair invited the Clerk to answer the written question. The Clerk explained that a motion was put to the council to revoke the resolution made in February 2021.

- The litter bins (2) due to be installed at the two bus stops on Magor Road have not yet been installed.

The Chair replied to the question explaining that the locations were not clear. The Chair explained she had contacted the person who asked the question for the locations and this work will be carried out as soon as possible.

- At the last meeting the Clerk stated that the amendments to the Policy documents/Standing Orders would be placed on the website within 10 days. Why has this not happened?

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Chairman's initials

The Clerk explained this hasn't been done due to workload and he works part time.

- No items of correspondence have been listed since March/April, you also stated that these would be put on the website.

The Clerk explained there is no requirement to publish correspondence, and historically the Community Council have not published all correspondence.

- I would like to raise my concerns regarding the lack of notification to residents regarding the public meeting on Monday 12 July 2021. We have 7 notice boards in the Ward and I would like to ask why it has only been posted on ONE notice board at the Village Hall in Langstone. Why can't all residents be treated equally? Surely as a 'Community' Council you should ensure that all residents who you represent are aware of meetings to which they have a right to attend if they so wish.

The Clerk explained the summons and agenda are published on the website and posted in a conspicuous place. It was explained that the legalisation says a conspicuous place not places. The agenda is the Clerks, as the Clerk signs and issues the summons and agenda. The resident asked where in the Policies/Standing Orders does it state you have to give 3 days notice in writing to ask a question. The Clerk explained it is an agenda item to manage the meeting, to enable any question to be answered.

A member of the public interrupted the Clerk and said the Motion to revoke the minutes was not discussed and the elected members and the Clerk are making it up.

The Clerk robustly defended the Council and himself and gave a rebuttal to the suggestion and said the Community Council followed the due process. One elected member interrupted the Clerk and the resident and read the minutes that will be agreed as at true and accurate record. The resident made the allegation again.

The Chair invited a resident to address the Council over a Planning Application that was refused by the Planning Authority. The Chair invited the Chair of the Planning Committee to reply who gave an explanation of the Community Councils observations that were submitted to the Planning Authority. Further detailed discussion took place with a range of views expressed.

21/177 **Agenda Item 4.** To receive and sign any minutes of previous meeting on the 14th June 2021 (Minutes distributed).

Resolved: to sign the minutes from the 14 June as a true and accurate record

All those in attendance agreed

21/178 **Agenda Item 5.** Matters to report.

The Clerk informed the Chair that he would like to make a comment in answer to a statement a City Councillor made about access to meetings. The Clerk explained that anyone wishing to join a City Council meeting also needs to login via a login system, all be it a virtual system, and members of the public are not

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permitted to address the Council. City Councillors are restricted on the question they can ask the Cabinet or Executive.

21/179 Agenda Item 7. To receive a report relating to Llandevaud Common;

The Chair invited the Clerk to present his report. One resident said that should not be allowed. The Clerk explained that his report was following on from the deferred item from the last meeting.

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

Elected members are aware of the long-running dispute about the ownership of the Llandevaud Common and whether Lord Marcher ever derived sufficient manorial rights to dispose of the land. It should be said, the Community Council should take into account the current purported owner bought the land in good faith and paid whatever the price was for it.

It is completely a matter between the current purported owner and Land Registry as to whether good title to the land has ever been acquired. That is not a matter which the Community Council should or can get involved in.

Elected members of the Community Council must always be mindful the ownership of Common land does not override public rights under the Commons Act or the City of Newport's powers of management.

Therefore, the only relevant issue for the Community Council and the City Council is whether any programmed work carried out on the Common by the purported owner or the Committee is in contravention of any Planning legislation or is unlawful under the scheme of management for the Common or the Commons Act.

The Act indicates that where any works are carried out which didn't have permission from the Secretary of State, then any person may apply to the County Court requesting an order that the land be restored to its original condition. If this is the case, I would suggest that the residents pursue this course of action as the most likely way of resolving this issue, but it's the Community Council understanding the purported owner or the committee are not preventing the public from using the land.

There is some useful guidance on this from the Welsh Government, I have copied a link to that guidance here: <https://gov.wales/works-common-land-guidance>

It's the Community Council understanding officers from the Enforcement Section at the Planning Authority investigated a number of complaints last year and they concluded that no Planning Enforcement action could be taken.

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It's also the understanding of the Community Council. that the relevant department at City of Newport, which deals with the management and maintenance of open spaces, do not believe that the work amounted to an unlawful encroachment onto the common, as it does not prevent the public from using the land.

The Common Land may fall under the Council's statutory "protection" under the Commons Act. That does not mean that City of Newport are responsible for its maintenance.

The City Council's statutory "*protection*" under the Commons Act, means that the City Council would only take Enforcement Action to protect the rights of the public to use the common.

Therefore, if the purported owner has an agreement with a committee set from people that have volunteered and the committee has a valid constitution, with elected officers made up from a committee of people that will maintain the common, as long as any programmed works would not contravene the scheme of management, the Community Council would appear to have no reason not to consider a grant application.

The Community Council has the power to award a grant payment under a number of different sections of different Acts.

Therefore, the elected members of the Community Council can resolve if you wish to:

1. Award the grant in full with conditions
2. Award the grant in full without conditions
3. Award a percentage of the application with conditions
4. Award a percentage of the application without conditions
5. Not award the application with any funding
6. To award the common committee an annual grant to maintain the Common.
7. The Community Council seek to purchase the equipment to use it around the Langstone wider area.
8. Invite a suitability qualified contractor to cut the Common.
9. Invite the committee to provide details of the programmed works.

The Chair suspended the Standing Orders for five minutes to allow a committee member of the Common to address the meeting. The committee member thanked the Clerk for his report, and it was further information on the manorial rights.

It was also explained the Llandevaud Common Committee would be more than willing to convene a community meeting to discuss the matter further.

One resident expressed the view that the committee member misunderstands the past and ongoing legal issues. Further discussion took place with a range of views expressed.

The Chair read out the recommendations submitted by the Clerk; the Clerk explained that list is not limited to what is contained in his report.

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Several elected members made a number of points and made a number of different proposals. One elected member stated the Community Council supports a number of local groups and organisations in the wider community, but hasn't awarded grants similar to this request. It was: **proposed:** Llandevaud Common Committee should provide a business plan, and a programme of works for the short term. After some discussion it was:

Proposed: by Cllr Bryant seconded by Cllr Griffiths that the Community Council should consider asking a contractor/s to cut the Common, and a business plan is presented for consideration.

All those present agreed

21/180 Agenda Item 8. Reports from the City Councillors;

The Chair invited Cllr Mogford to address the meeting. Cllr Mogford offered Cllr Routley's apologies. Cllr Mogford explained that both City Councillors have met with the elected members from Langstone Community Council and a number of subjects were discussed; the meeting was productive. It is hoped that both City Councillors and elected members from Langstone Community Council will be arranging a further meeting.

Cllr Mogford informed the meeting both City Councillors have met with officers from the electoral office at City of Newport and it has been proposed that Langstone Village Hall will be considered for use as the next polling station, but further discussions will be ongoing.

Cllr Mogford explained that both City Councillors have been in talks with the MS at the Senedd regarding ongoing traffic concerns in the community. It was explained that both City Councillors will be monitoring the situation on the A48 and B4245.

Cllr Mogford explained that both City Councillors will be monitoring the ongoing Planning Application that was discussed earlier in the meeting.

There was some discussion relating to off road bikes using forestry land, and both City Councillors will be meeting officers in mid-August.

Cllr Bryant asked C-Cllr Mogford if City of Newport have any intension in reducing the speed limit similar to Monmouthshire County Council's proposal for a speed limit of 20MPH. C-Cllr Mogford explained this will be highlighted with the MS at the Senedd. It was explained that City of Newport are undertaking a test scheme.

Further detailed discussion took place with a range of views expressed by Councillors over highway concerns. It was:

Proposed that this is included on the next agenda.

21/181 Agenda Item 9. Active Travel Arrangements in Langstone, (C-Cllr Mogford);

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The Chair invited C-Cllr Mogford to provide information regarding an Active Travel Plan. C-Cllr Mogford read out from a statement regarding Active Travel in Langstone and the wider community. He explained that he understands the Community Council published a community plan some time ago. He explained that Active Travel could fit into a community plan. Further detailed discussion took place with a range of views expressed by Councillors. It was:

Proposed: this should be looked into and deferred to the next meeting in September.

All those present agreed

21/182 **Agenda Item 10.** Consider the consultation process, for the replacement Local Development Plan (RLDP) for Newport;

The Chair ask councillors to consider the way forward and ask the Clerk provide a report for consideration at the September meeting. It was:

Proposed: to defer this to the next meeting and the Clerk provides a report.

21/183 **Agenda Item 11:** To consider any verbal or written reports from Gwent Police;

No officers in attendance

21/184 **Agenda Item 12.** To consider any verbal or written reports from the Clerk

Reports to: - Langstone Community Council members

Subject: - Report relating to Trees and Hedge works at Centenary Park.

Report: - by the Clerk/Proper Officer

Date: - July 2021

This report is to give elected members an update on the inspection of the number of trees within the boundary and hedges at Centenary Park, Langstone.

Members will recall a report was made to elected members about the legal agreement and the registration of the land. The registration application that was submitted to HM Land Registry, indicated the application was completed in third parties' names.

Given the large number of trees in public spaces across the country, control measures that involve inspecting and recording every tree would be disproportionate to the risk. Individual tree inspection is only likely to be necessary in specific circumstances, for example, where a particular tree:

- ❖ is in a place frequently visited by the public;
- ❖ as been identified, for example, as having structural faults that are likely to make it unstable; and
- ❖ a decision has been made to retain it with these faults.

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The risk of being struck and killed by a tree or branch falling is extremely low, it is indicated that (in the order of one in 10 million for those trees in or adjacent to areas of high public use). However, the low level of overall risk may not be perceived in this way by the public, particularly following an incident.

https://www.forestresearch.gov.uk/documents/7086/Commonsense_management_of_trees.pdf

However, it is recommended:

1. The Community Council invites City of Newport to inspect the trees under the Service Level Agreement the community council has with City of Newport Council.
2. The Community Council inform the “trustees” to manage the matter under the HM Land Registry application.
3. The Community Council engage the services of a tree surgeon to fell the trees and cart away
4. Any action should be planned to manage the risk.
5. Any arboriculture work required should be carried out by a competent arboriculturist as such work tends to present a relatively high risk to the workers involved.

Any contractor must have a valid Public Liability Insurance and a copy issued to the Community Council.

The Park should be closed during the time the operatives are working in the park area.

Resolved: The Clerk to obtain estimates and manage the safety of the land.

Reports to: - Langstone Community Council members

Subject: - Report relating to Remote meeting IT

Report: - by the Clerk/Proper Officer

Date: - July 2021

This report is to give elected members an update on the costs for providing IT equipment to allow Councillors or a member of the public to dial in or login via a platform the Community Council wishes to subscribe to.

A sub-paragraph of the LG&E (Wales) Act 2021 makes references to a meeting held remotely by means of any equipment or other facility which enables persons who are not in the same place to speak to, and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).

The Community Council will need to ensure any conference calls run smoothly; the Community Council will need to have a sufficient broadband width connection that can withstand the data and numbers logging into the call. If someone has a weak connection, it'll result in audio and visual lags that can impact the quality of the call.

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The Village Hall booking Clerk has been contacted about the Community Council returning to face-to-face meetings, asking about the broadband width, but at the time of writing this report the Community Council has not received a response.

So elected members have some indication on what may be needed, I have provided some examples below of what may be required.

Example

Combined with an Auto Focus 120 Degree Angled Lens and Built in Microphone & Speaker the HDP has been specifically designed & optimised to work with.

Features

- USB-A 2.0 - Plug & Play
- 2Mega Pixels
- Supplied with **USB-A and USB-C** Connectors
- 1080p HD CMOS Camera
- 120° Wide Angle Field of View
- AEC - Automatic Echo Cancellation
- ANS - Automatic Noise Suppression
- Long Range Voice Pickup
- A business grade Professional Webcam offering true 1080p image quality at 30 frames per second. It has a USB Plug & Play connectivity to make it the ideal solution for home workers, office environments.

The budget cost for the above is in the price range of £225.00.

The 2021 Act make **no** reference to convening video conference calls. The difficulty with solely relying on telephone calls that enables people who are not in the same place to speak to and be heard by each other, will require multiple telephones. If the Community Council considers purchasing video conferencing systems the meeting will be able to use the broadband in the venue for Zoom or similar platforms.

The Community Council will need to consider purchasing a laptop. It's been noted the former Clerk posted on a social media that the Community Council already have laptops and they are listed on the Community Council asset register, which is correct.

As the Proper Officer, I can only say, if the laptops were working why was there a need for the Community Council to purchase a new Desktop system; secondly the laptops have been inspected and turned on; one didn't respond, and the other asked for a password. The former Clerk was contacted and asked about passwords the former Clerk replied "*I don't have any passwords other than those I provided on an Excel spreadsheet*".

See below some examples for elected members consideration

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Dell Latitude 3510

Original Price
~~£784.28~~

£519.00

HP Pavilion Laptop

Original Price
~~£649.99~~

£589.99

Ex. VAT @20%, free Delivery

- ❖ 10th Generation Intel® Core™ i3-10110U (2 Core, 4M cache, base 2.1GHz, up to 4.1GHz)
- ❖ Windows 10 Pro 64bit, English, Dutch, French, German, Italian
- ❖ 8 GB, 1X8 GB 3200MHz DDR4 Non-ECC
- ❖ M.2 256GB PCIe NVMe Class 35 Solid State Drive

- ❖ Windows 10 Home 64
- ❖ Intel® Core™ i5-1135G7 (up to 4.2 GHz with Intel® Turbo Boost Technology, 8 MB L3 cache, 4 cores)
- ❖ 8 GB DDR4-3200 MHz RAM (1 x 8 GB)
- ❖ 256 GB PCIe® NVMe™ M.2 SSD
- ❖ 35.6 cm (14") diagonal, FHD (1920 x 1080), touch, IPS, micro-edge, anti-glare, 250 nits, 45% NTSC
- ❖ Intel® Iris® Xe Graphics
- ❖ 1-year limited parts, labour, and pickup and return service

The above will be required whether or not the current virus restrictions are lifted by the Welsh Government.

The 2021 Act states “equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other whether or not the equipment or facility enables those persons to see and be seen by each other”.

Resolved: The Clerk to obtain a suitable laptop.

Reports to: - Langstone Community Council members
Subject: - Report relating to Broadband /Wi-Fi at Merlin House.
Report: - by the Clerk
Date: - July 2021

This report is to bring members up to date following my report in May 2021.

All members have been informed that the Community Council is tied into the lease agreement with Rombourne Ltd for office space at Merlin House until February 2022.

This report is to request elected members to give consent to allow the Proper Officer to contact Rombourne Ltd, regarding the connection to the broadband at the office space at Merlin House. Currently the Community Council are contributing £30.00 per month for something that’s not used.

If the broadband can be removed from the current lease agreement, it will make a small saving of around £210.00.

In conclusion:

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The elected members agree for the RFO/Proper Officer to contact Rombourne Ltd to enquire and agree access to the broadband is removed at Merlin House.

Those present agreed

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

This report is to give elected members an update on the current Service Level Agreement (SLA) between City of Newport Council and Langstone Community Council for the land at Catsash Road, Langstone.

The Community Council entered into the SLA in 2017 following the installation of equipment at Centenary Park and Poppy Park, Langstone. The SLA is due to conclude on the 31 July 2021. This report is to request elected members give consent to allow the Proper Officer to contact City of Newport Council regarding the amendment or renewal of the SLA for a further five years.

Elected members must be mindful if the SLA is not entered into the Community Council will need to engage the independent specialist contractor to undertake onsite inspection and repairs and renewals.

Those present agreed

21/185 Agenda Item 13. Consider any Planning applications, received before the meeting;

All application were sent to members for consideration between meetings.

It was resolved that applications were agreed.

21/186 Agenda Item 14. To note finance matters, including Income & Expenditure;

Date: 23 April to 28 July 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:

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

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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 23 April to 28 July 21	Amount	
23 April	Eyelid Productions	750.00	DD
27 May	Rombourne Office rent	665.41	DD
26 May	Microshade IT	57.54	DD
16 June	Rombourne Office rent	675.38	DD
26 June	Microshade IT	57.54	DD
28 June	Zoom	14.39	DD
12 July	Carol Bryant reimbursement	580.00	300296
12 July	Came & Company insurance	1231.67	300297
12 July	Newport City Council	161.92	300298
12 July	Vision ICT	186.00	300299
12 July	Carol Bryant reimbursement	50.00	300300
12 July	One Voice Wales	30.00	300351
12 July	Clerks reimbursement	14.99	300352
12 July	HMRC		300353
12 July	Adrian Edwards May Salary		300354
12 July	Adrian Edwards June Salary		300355
12 July	HMRC		300356
12 July	Clerks' reimbursement	10.98	300357
26 July	Microshade IT	57.54	DD
24 July	Adrian Edwards July Salary & Overtime		300358
24 July	HMRC		300359
26 July	Clerks travelling for May	187.68	300360
27 July	Clerks reimbursement for stamps	4.50	300361
27 July	Clerks travelling for June	178.48	300362
27 July	Blank cheque	0.00	300363
27 July	Clerks Traveling for July	242.88	300364
28 July	Rombourne	743.69	DD
28 July	Zoom	14.39	DD

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

Signed:Cllr C BryantDated:July 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:Cllr L Humphries Dated: July 2021

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21/187 Agenda Item 15. To mark Her Majesty's Platinum Jubilee in 2022. Council to consider planting a tree/s from October 2021, when the tree planting season begins, through to the end of the Jubilee year in 2022

The Chair ask councillors to consider the way forward and the Clerk provide a report for consideration at the September meeting. It was:

Proposed: to defer this to the next meeting and the Clerk provides a report.

21/188 Agenda Item 16. The Queen's Platinum Jubilee Weekend of 2nd - 5th June 2022;

The Chair ask councillors to consider the way forward and the Clerk provide a report for consideration at the September meeting. It was:

Proposed: to defer this to the next meeting and the Clerk provides a report.

21/189 Agenda Item 17: To receive any items of correspondence received since the last meeting;

The Clerk explained that all elected members have been informed of all the correspondence received and sent items electronically.

All those present noted the correspondence received

21/190 Agenda Item 18: Reports from members on outside bodies;

The Chair gave a verbal report on the events at Langstone Village Hall in the coming months.

All those present noted the report

21/191 Agenda Item 19: Date of the next meeting 13 September 2021;

Agreed the next meeting will be convened on the 13 September 2021

Those present agreed

21/192 Agenda Item 20: To resolve that the Clerk with consultation with the Chair and Vice Chair has delegated powers over the summer recess in August.

The Clerk explained that members would need to resolve that delegated powers are given to the Clerk with consultation with the Chair and Vice Chair.

Delegated powers cannot be transferred to a councillor,

(a) by a committee, a sub-committee or an officer of the authority; or

(b) by any other local authority.

Those present agreed

21/193 Agenda Item 21: Members requests for items for inclusion on the agenda (Motions need to be tabled with the Proper Officer at least 10 clear days before the meeting.)

No members identified any matters

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The Chair thanked everyone for attending and the meeting closed at 21.38hrs

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