

Langstone Community Council
Minutes of the Ordinary Meeting held at Via Zoom conference call on
Monday 9th January 2023 at 7:00 pm

Date: 9th January 2023

In attendance:
Adrian Edwards Clerk
One member of the public

Time: at 19:00 hrs
Venue: Via Zoom

23/419

Cllr's Present
C Bryant (Chair)
L Humphries
Mrs A Jarman
M Oliver-Mardon
K Wilson
Ms A Jarman

Apologies received:

D Tucker
M Harring-Burn
J Harring-Burn
M Griffiths

Absent:

23/420 Agenda item 1. Apologies for absence.

Cllr's Mark Griffiths D Tucker, M Harring-Burn and J Harring-Burn

23/421 Agenda item 2: Declarations of interest

Members will declare an interest as and when appropriate. The Clerk reminded those present about declarations of interest and the forms need to be completed.

23/422 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.**

A member of the public asked about the grant application a local group had submitted. There was some discussion relating to this matter and it was explained that this matter is subject to a report for members to consider later in this meeting. Those members present noted the points made by the resident.

23/423 Agenda Item 4: To receive and sign minutes of Ordinary Meeting on the 14 November 2022.

Proposed: by Cllr M Oliver-Mardon seconded by Cllr K Wilson.

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Chairman's initials

All those present agreed

23/424 Agenda Item 5: Matters to report.

No matters to report

23/425 Agenda Item 6: To consider any verbal or written reports from (Clerk)

It was proposed to defer this item to the end of the meeting so the member of the public wouldn't need to logout and back into the meeting.

All those present agreed

23/426 Agenda Item 7: To receive members declarations of interest forms.

The clerk reminded all those present that he had only received several declaration of interest forms that were distributed following the election in May 2022. He explained that he has issued further copies for elected members to complete. He asked elected members to complete the forms to comply with the standing orders of the Community Council.

All those present noted the comments.

23/427 Agenda Item 8: To consider any verbal or written reports from Gwent Police.

No Police in attendance

23/428 Agenda Item 9: Consider any Planning applications considered or received before the meeting

Members noted all the Planning Applications that the Clerk has forwarded since the last meeting and no observations have been reported back to the Clerk, therefore it was assumed the Community Council had no comment to make.

23/429 Agenda Item 10: To note finance matters, including Income & Expenditure

Date	Payment to	Amount	Cheque
30 Oct 22	Payments from October 2022	Amount	
Oct 22	Lloyds Bank Oct	17.39	D/D
Oct 22	Microshade VSM Oct	57.54	D/D
Oct 22	Rombourne Ltd	35.00	D/D

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Oct 22	Lloyds Bank Oct	17.39	D/D
Oct 22	Microshade VSM Oct	57.54	D/D
Oct 22	Rombourne Ltd	35.00	D/D
30 Oct 22	Clerks Salary		
31 Oct 22	HMRC		300421
10 Nov 22	Reimbursement to clerk	44.52	300422
10 Nov 22	Reimbursement to clerk	70.40	300423
10 Nov 22	Reimbursement to clerk	26.58	300424
Nov 22	Lloyds Bank Oct	17.39	D/D
Nov 22	Microshade VSM Oct	57.54	D/D
Nov 22	Rombourne Ltd	35.00	D/D
Nov 22	Lloyds Bank Oct	17.39	D/D
Nov 22	Microshade VSM Oct	57.54	D/D
Nov 22	Rombourne Ltd	35.00	D/D
10 Nov 22	Reimbursement to Cllr Bryant	30.30	300425
10 Nov 22	Reimbursement to clerk (wreaths)	101.88	300426
10 Nov 22	LVH	30.00	300427
10 Nov 22	Cancelled	Cancelled	300428
10 Nov 22	Llandeud Village Hall	20.00	300429
10 Nov 22	Woodland Tavern (Seniors Lunch)	300.00	300430
10 Nov 22	NCC	2808.00	300431
7 Dec 22	St Johns Ambulance (First Aid cover)	243.18	300432
7 Dec 22	Reimbursement to clerk	77.95	300433
7 Dec 22	Reimbursement to clerk	219.23	300434
7 Dec 22	Vision ITC	78.00	300435
7 Dec 22	Clerks Salary		300436

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7 Dec 22	HMRC		300437
7 Dec 22	Complete business solution	57.69	300438
14 Dec 22	Peter Lewis (Seniors Lunch)	250.00	300439
14 Dec 22	NCC (Replacement Cheque)	161.92	300440
14 Dec 22	NCC (Replacement Cheque)	161.92	300441
14 Dec 22	NCC (Replacement Cheque)	168.31	300442
Dec 22	Lloyds Bank Oct	17.39	D/D
Dec 22	Microshade VSM Oct	57.54	D/D
Dec 22	Rombourne Ltd	35.00	D/D
Dec 22	Lloyds Bank Oct	17.39	D/D
Dec 22	Microshade VSM Oct	57.54	D/D
Dec 22	Rombourne Ltd	35.00	D/D
14 Dec 22	NCC (Replacement Cheque)	30.00	300443
14 Dec 22	Reimbursement to clerk	21.89	300444
14 Dec 22	Reimbursement to clerk	157.50	300445
14 Dec 22	Woodland Tavern (Seniors Lunch)	1667.00	300446
14 Dec 22	Reimbursement to clerk	144.00	300447
14 Dec 22	Cllr Alison Jarman (Christmas Tree)	116.45	300448
14 Dec 22	Clerks Salary		300449
14 Dec 22	Cllr Carol Bryant	60.00	300450
28 Jan 23	NCC (Replacement Cheque)	2808.00	300501
28 Jan 23	LVH	15.00	300501
28 Jan 23	LVH	48.84	300502
28 Jan 23	Reimbursement to clerk (Printer)	273.78	300504
28 Jan 23	HMRC		300505

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28 Jan 23	Clerks Salary and back pay		300506
28 Jan 23	RBL	132.00	300507
28 Jan 23	Clerks Reimbursement for Microsoft	135.36	300508
28 Jan 23	SGM (Xmas Trees)	450.00	300509
28 Jan 23	Lloyds Bank Oct	17.39	D/D
28 Jan 23	Microshade VSM Oct	57.54	D/D
28 Jan 23	Rombourne Ltd	35.00	D/D
28 Jan 23	Lloyds Bank Oct	17.39	D/D
28 Jan 23	Microshade VSM Oct	57.54	D/D
28 Jan 23	Rombourne Ltd	35.00	D/D

Resolved: to note and accept the payments
All those present agreed.

23/430 Agenda Item 11: To Note any miscellaneous items of correspondence received since the last meeting.

Resolved: to note all correspondence
All those present agreed

23/431 Agenda Item 12: Reports from members on outside bodies

The Chair explained that there was no School Governors meeting in December. The Chair gave a briefing regarding the Christmas Lunch that was held in December, and it was explained that everyone had an enjoyable afternoon. The Chair and clerk had received several letters or emails of thanks.

The chair explained that a small raffle had taken place during the Christmas lunch and all the proceeds were given to an organisation in Newport that supports the homeless in the city. The chair explained that she had received a letter of thanks for the donation. The chair also thanked Cllr Jarman and Cllr's Mr & Mrs Humphries for their help that afternoon.

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The chair explained that she delivered selection boxes to Langstone School for the pupils and she had received a letter of thanks from the head teacher along with the clerk and all the pupils were very pleased with the selection boxes.

This report relates to the clerk briefing note that was deferred from above.

This briefing note is in response to an email and Freedom of Information request. Although this briefing note is marked 'Without Prejudice', I do so in open correspondence with elected members of Langstone Community Council. The amount of grant funding is small, but I have concern over the process the Community Council needs to follow. The resident informed me, as the Community Council Clerk, that she had spoken to the Wales Audit office (WAO). I can confirm I have also spoken to Local Government lead at the WAO.

1. Members will be aware the Community Council received a Freedom of Information request on the 23 November 2022. Within that FOI request, the resident made several points and informed me as the Clerk that she had spoken to the Wales Audit Office (WAO) relating to a grant application that's been submitted to Langstone Community Council. The resident said the following.

"Wednesday 17th November 2022, to determine which statutes would apply when auditing at any level of local government. He stated that for a community council approved expenditure, a payment to a personal account with the supporting receipts would not be investigated in the audit process, otherwise how can an individual on the community council be reimbursed. Audits would be against accounting statutes, ensuring proper accounting records, and supporting documentation were kept and would look at whether payments of public money were in fact in the public interest".

2. As Clerk and RFO I fully understand that the Community Council can make payments to individuals, but the grant application is not for reimbursement to someone who has obtained/purchased goods on behalf of the Community Council or receiving reimbursement for any other goods or services.

3. In the correspondence from the resident from Park End, the Community Council was informed that the resident contacted the Wales Audit Office (WAO). I have also contacted the WAO on behalf of Langstone Community Council and explained about the grant applications the Community Council received on the 13 June 2022 and the 9 November 2022. As Clerk I explained that the first application

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was submitted on a receipt only basis payable to an individual. I then explained the Community Council has a policy that was adopted in 2017 and amended in November 2019, that states:

POLICY CONDITIONS

1. *Grants may not be awarded to individuals*
2. *Additional applications within a 12-month period will not normally be considered.*

ELIGIBILITY

1. *Any Registered Charity, Voluntary Group or Community Organisation.*

The grant form in its heading states: "Application for Grant up to and including £500.00 to Voluntary Organisations".

4. During the conversation with the WAO as Clerk/RFO, I explained that the amount of funding was a relevantly small amount (£258.00). As the RFO it is not the amount, it's about following the Community Councils policy. As the RFO I explained the first application came from an individual who resides in Langstone, but the Community Councils policy states as indicated above, '*Grants may not be awarded to individuals*'.
5. I then explained that a second application was submitted in the name of *Park End Jubilee Committee under Langstone Community Events*. As the Clerk I explained to the WAO that the resident informed the members of the Community Council on the 14 November (at a Council meeting) that no-one from Langstone Community Events had anything to do with the arrangements of the Park End event (on the 4 June), but an application had been submitted claiming expenses for *Park End Jubilee Committee under Langstone Community Events*.
6. On the 15 November the resident sent an email providing bank account details in the name of Langstone Community Events (not the name on the grant form). The sort code and the name of the Bank and account number and co-signatories were provided.
7. The Grant application presented by *Park End Jubilee Committee under Langstone Community Events* was presented following the event, therefore the grant application is retrospective.
8. As explained above the Community Council has a policy that's been adopted for several years, where grants may not be awarded to individuals, and additional applications within a 12-month period will not normally be considered. It is clear from the Grant Application and the comments made on the 14th November Langstone Community Events had no involvement with the event on the 4 June.

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9. Following due diligence and as Clerk/RFO, concern must be expressed, that a claim for a grant from the public purse has been made by an organisation that has not been involved in the setting up or running of the event on the 4 June 2022, as confirmed by the resident on the 14 November. Furthermore, I have not been able to find an organisation in the Community with the name Park End Jubilee Committee under Langstone Community Events, and the resident nor the officers have provided a copy of the constitution.

10. The WAO explained it is for the Community Council consider if a claim has been made which could be classed as intending to obtain funding fraudulently, it will be for the Community Council to consider if the Police should be contacted. This will have several implications.

10.1 The Community Council received an application, and it was refused in line with the policy above.

10.2 The Community Council cannot make a payment under the general power of competence.

10.3 A second application has been submitted by the same person using a different organisations name which was not involved in the event on the 4 June. (This was confirmed on the 14 November in the Council meeting). Therefore, consideration needs to be given if there is a claim made by an organisation, intending to fraudulently obtain funds from the public purse, as the organisation had not been involved in the event.

10.4 A Club/Society would need to be asked for proof that the group is a voluntary, non-profit-making organisation and not a private business. This would include one of the following: Copy of your group's Constitution, Charity Registration confirmation / Trust deed.

10.5 There is no knowledge of a community organisation called "Park End Jubilee Committee under Langstone Community Events". As Clerk/RFO it's my understanding Langstone Community Events group have an independent Bank Account with signatories.

10.6 The second application was presented from Park End Jubilee Committee under Langstone Community Events. If this organisation is not constituted this could be classed as aiding and abetting or making a false, declaration for public funds. As the RFO I have been advised to ask for an affidavit from the officers of Langstone Community Events confirming when the Park End Jubilee Committee under Langstone Community Events was set up and the accounting details.

11. Advice offered by the WAO is that the Community Council will need to show that due diligence has been followed. Therefore:

11.1 The Community Council cannot make a grant payment to an individual/s, as the current Community Council policy doesn't allow for that.

11.2 The Community Council does not have the power under the general power of competence to make a payment to an individual/s who have no connection with the Community Council.

Meeting Note:

- 11.3 The elected members would need to consider if the Police should be contacted, on one account or maybe two accounts.
- 11.4 The Community Council will need to receive a formal motion signed by four elected members revoking the resolution to make a payment on the 14 November.
- 11.5 If a payment is made without a motion to revoke the resolution and make the payment a strong case for making this payment will need to be made and recorded in the minutes.
- 11.6 If elected members are minded to make a payment, the payment will be in the name of "Park End Jubilee Committee under Langstone Community Events" as per the grant application.
- 11.7 The Community Council will need to receive a formal motion signed by four elected members to review/amend the current policy, to be applied to future grant determinations. The motion will need to be clear and identify which piece of legislation will be used to award a grant payment with robust terms and references.
- 11.8 A special meeting will need to be convened to consider/accept the motion(s) or any amendments to the policy and agree any outcomes.

12. The WAO informed me as Clerk/RFO, if the WAO needs to provide further information, or third parties contact the WAO there will be a service charge of £124.00 per hour.

As the Clerk/RFO, I must remind elected members the Clerk is an adviser to the Council. Part of the job description of the Clerk is to provide information and guidance as to the law to aid council members in the decision-making process. The Clerk carries out the actions arising from council meetings and implements lawful decisions. The Clerk is an independent officer, that puts forward the view of the council and writes and responds to all correspondence with this in mind. Under s151 of the LGA 1972, a local council must appoint an officer to administer their finances and ensure all legislation meets the Transparency and Accountability regulations. This officer is known as either the Responsible Financial Officer (RFO) or in some cases the "151 Officer". The RFO compiles budgets and precept requests and ensures that proper practices are undertaken in financial administration. Nowhere in the guidance or legislation does it say that the Clerk/RFO or Section 151 Officer must condone the actions of the Council if it is felt the Community Council's Policy has not been followed when considering a Grant application.

Elected members considered the content of the briefing note and a in depth discussion took place between elected members.

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In Conclusion:

1. It's for elected members to consider one or all the points made above in this briefing note and propose a resolution or resolutions to be adopted.

In Conclusion, elected members considered all the points and concluded to withdraw the offer previously offered, and not accept the retrospective application which has been submitted. This was:

Proposed by Cllr Oliver-Mardon seconded by Cllr Wilson.

All those present agreed.

2. To receive an affidavit from the officers of Langstone Community Events, confirming Park End Jubilee Committee under Langstone Community Events are a bona fide organisation.

In Conclusion, it was proposed that an affidavit was not required as it was proposed not to offer a grant as 1 above.

3. The Grant application was presented following the event, therefore the grant application is/was retrospective.

In Conclusion, it was proposed not to offer a grant.

4. Consider if there is a claim for intending to fraudulently obtain funds from the public purse.

In Conclusion, no further action as it was proposed not to offer a grant.

5. Consider taking legal advice.

In Conclusion, it was proposed without awarding a grant no legal advice would be required.

6. It is recommended that amending the current policy is considered, with robust terms and conditions, identifying the different/appropriate legislation for making payments.

In Conclusion, it was proposed there was no requirement to amend the policy at this stage but amendments should be made at the AGM

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7. Elected members must be mindful of events that are due to take place in 2023, for example, the Coronation of King Charles.

In Conclusion, as six above, each application will be considered on its own merits.

8. Convene a Special Meeting to discuss this matter following receipt of a motion.

No motion was tabled.

This briefing note was presented by the Clerk & RFO of Langstone Community Council for elected members consideration and validation.

23/432 Agenda Item 13: 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 matters reported for the next meeting

The meeting closed at 20.32hrs and the date of the next meeting 13 February 2023

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