



Minutes of Mirfield Town Council Meeting

Held on: Tuesday 6th October 2015 at 7.30pm

Held at: Council Offices, Huddersfield Road, Mirfield

Councillors Present:

V Lees-Hamilton (Chairman), D Pinder, J Nottingham, S Guy, M Bolt, J Hirst, M Ibberson, P Tolson, S Benson, J Taylor, K Taylor

In Attendance:

Clerk: Lisa Staggs
Public: R Hartley, M Poppa, B Fox
Press: None

MTC93/2015

Chairman's Welcome and Remarks:

The Chairman Cllr Lees-Hamilton welcomed everyone in attendance

MTC94/2015

Public Question Time:

Marina Poppa applies with a time sensitive grant application to councillors for funding towards a local Arts Festival. She confirms that some funding is in place and that although most events are free; some revenue will come from ticket sales to other events. She is hoping for around 400 -500 people to attend as events like this elsewhere in the country have proved very popular. Cllrs want to know how the event has been publicised and what it is about. Marina confirms a Facebook event has been set up and networking with people at other events. She confirms that it originates in Middle America as a pagan festival/all saint's day that has had a revival in the past 10 years. Cllrs congratulate Marina on the funding she has already raised and believe the event will draw people to the town. Cllr Bolt Proposed MTC supports the event in principle Cllr Pinder Seconded Vote: All in favour. Defer to next meeting.

MTC95/2015

Apologies For Absence:

Councillors to send apologies and reasons for absence to the clerk or chairman for approval

Cllrs: M Burton, K Sibbald, A Burton

MTC96/2015

Declaration of Interest:

Councillors to declare an interest, if applicable to any item on the agenda or not declared on the members register of pecuniary interests.

Cllr D Pinder – Royal British Legion, Mirfield Rifle Volunteers & Mirfield Community Partnership (other)

Cllr S Guy – Royal British Legion, Mirfield Rifle Volunteers & Mirfield Library

(other)
Cllr K Taylor – Heavy Woollen Planning (other)
Cllr S Benson – Project Mirfield (other)

MTC97/2015

Confirmation of Minutes:

To approve minutes of the ordinary meeting of 15th September 2015 as a true and correct record including payments of £133.04

Tuesday 16th September amended to Tuesday 15th September

Cllr Bolt **Proposed** once the amendment was made the minutes were a true and correct record Cllr Guy **Seconded Vote: All in favour**

MTC98/2015

Matters Arising From The Minutes:

To receive information on the following ongoing issues and decide further action where necessary

1. To receive an update & questionnaire sign off Mirfield Matters Survey – Cllr Bolt **Proposed** MTC accepts the draft survey Cllr Guy **Seconded Vote: All in favour** Clerk to send confirmation to Spirul to proceed.
2. To receive an update on defibrillators – Cllr Guy confirms the Community Centre and Brookes Deli as the 2 external points. He will continue to try to contact the Cricket Club. Clerk to confirm with John @ YAS the order for defibrillators and Cllr Guy to liaise with Rotary Club regarding a Community Initiative.
3. To receive an update on Tennis Courts – Clerk reports that she has still not received a reply or acknowledgment for 2 emails sent to Joanne Bartholomew. Clerk to send copies to A Lythgo, Cathy Scott & Peter McBride. Cllr Pinder states that it is an outrage that the courts are unused and the public unable to play. Brian Fox (Chairman Mirfield Tennis Club) speaks regarding the upkeep and maintenance of the courts, stating that the Tennis Club cleans the courts twice per year and recently re-painted them. He states that they are closed as no attendant is provided by Kirklees. Cllr Lees-Hamilton states that MTC are in the middle and have not had contact details for the Tennis Club and are acting on behalf of annoyed residents. Cllr Ibberson is surprised that the tennis club did not make themselves known earlier in the meeting in public question time. Brian apologises for this as he had not been to a meeting previously. He confirms that the tennis club has many members with lots of interest from all age groups and that they hope to extend the lease to cover all courts. Brian states that the tennis club is looking at online ways to pay per play. Brian states that the tennis club has a 21-year lease with Kirklees for the courts verbally agreed with John Fletcher. Cllr Bolt states that as John Fletcher has retired he wants to know what formal agreements have been signed and what the current legal position is. Cllr Bolt and Clerk to investigate further.
8.30pm Tennis Club leave
4. To receive an update on Christmas Lights – Cllr Ibberson & Richard Hartley update MTC. They confirm that there is plenty interest locally for stalls and that the online application asks for Insurance details. They want local groups and schools to promote their events on stage and encourage local shops to stay open. Cllr Guy confirms that the Sleigh is available but awaiting a driver. Cllr Ibberson states that the shops on the Knowl also want to be included.
5. To receive an update on Neighbourhood Plan Meeting – Cllr Bolt confirms the meeting for Monday 12th October at the Salvation Army. Clerk confirms that the Locality booklets have been ordered and the cost is £175.00 payable on collection Cllr Pinder **Proposed** payment of £175.00 as per previous motion Cllr Guy **Seconded Vote: All in favour**

MTC99/2015

Finance:

To approve the following accounts for payment.

1.

OCTOBER		
Payee	Description	Amount
Kirklees	By-election Costs	£ 9,050.19
Initial	Sanitary Units	£ 235.20
Just Gardens	Sept Maintenance	£ 80.00
Petty Cash	Petty Cash	£ 200.00
TOTAL		£ 9,565.39

2. BT September Direct Debit £52.78 - **Noted**

Cllr Bolt refers to a comment in the local press stating that MTC should budget for 16 By-elections Cllr Bolt states that this is ridiculous as that would be a cost of £160,000 which is 3 times the precept. He states that this cost could have been avoided with co-option and confirms that MTC were never given the option of co-opting. Cllr Guy states that MTC conformed to Local Government Legislation and cannot be held responsible for the costs.

Cllr Bolt **Proposed** payment en block Cllr Pinder **Seconded Vote: All in favour**

Cllr Lees-Hamilton Proposed to suspend standing orders and bring forward MTC103(1) Cllr Pinder Seconded Vote: All in favour

MTC100/2015

Planning:

1. To consider planning applications received from Kirklees Council.
2015/92865 – **Noted**
2015/92952 – **Noted**
2015/92947 – **Noted**
2015/92987 – **Noted**
2015/92976 – **Noted**
2015/93019 – **Noted**
2. To consider planning decision notifications from Kirklees Council **No Comments/Noted**
3. To consider potential controversial planning applications.
None Received

MTC101/2015

Mirfield Matters:

To consider and decide any action where necessary on the following matters:

1. To consider a Youth Council/Forum – Defer to a later meeting when Tony Bosah has opened talks. Cllrs to consider terms of reference for a Youth Council.
2. To receive a report on the closure of Bradley Nurseries – Cllr Taylor had circulated an email to all Cllrs. Cllrs want to know the position with supply and maintenance of hanging baskets and what Kirklees provision will be next year. Cllr J Taylor mentions that the tubs & bedding outside the Council offices will need attention. Defer to next meeting.
3. To receive an update Great British High Street – Cllr Guy confirms that Mirfield were unsuccessful this year. He commends Cllr Ibberson, Richard Hartley, Martyn Connell & Cllr Burton on their efforts. Defer to 3rd November to discuss calendar of events.
4. To receive an update on public toilets – Cllr Pinder reports that the toilet and urinals are now unblocked and that glue like resin had been poured down the urinals. Cllrs Lees-Hamilton & Bolt to speak to Friends of Mirfield

Library regarding possibilities with the public toilets. Clerk provides Cllrs with a quotation for deep clean and painting of toilets. Cllr J Taylor **Proposed** the Clerk instructs Clan Services to carry out the maintenance as per the quotation Cllr Lees-Hamilton **Seconded Vote: All In favour**

MTC102/2015

Outside Bodies: (Updates via email from Cllrs)

To receive updates and decide any action where necessary.

Cllr Nottingham circulated an update from Historic Buildings Trust on Wellhouse Farm - **Noted**

MTC103/2015

Internal Matters:

To receive information on the following items and decide any action where necessary.

1. To consider formal complaint from Michael Hutchinson – As Chairman of the Employment committee Cllr Bolt addresses the complaint. He begins by saying that this has been a waste of time and money and would like to go through the points in the order they are raised in the letter and that Mr Hutchinson was invited to attend the meeting with this item on the agenda. Firstly, he states that after having a number of emails and letters from the Clerk, Mr Hutchinson knows that she is Mrs and states it is rude to address the letter Sir or Madam.

Paragraph 1: Cllr Bolt states that the meetings are open to the public and the minutes are public records. He states that the allegations are unfounded; there was no failure by the Clerk and no decisions by Town Councillors.

Paragraph 2: Cllr Bolt confirms that the decision to send out the summons by email was taken in the meeting 21st July MTC62(2) after guidance from YLCA and only if an email address is available, prior to that it was an action to reduce paper and postage. The summons was sent out by first class post to the home address on the Statement of persons nominated and confirms that the council is not required to send out a summons by recorded delivery and did what is legally required by posting out a summons. He also confirms that copies of the Annual Town Meeting and Annual Council Meeting had been uploaded to the MTC website and also My Mirfield and Mirfield Matters. Cllr Guy states that as a former Councillor and twice Mayor, Mr Hutchinson would know exactly the legal obligation to signing the declaration of acceptance.

Paragraph 3: Cllr Pinder states he hopes the relative is receiving palliative care and MTC were saddened to be made aware of this. However, in the email to the Clerk 4th June Mr Hutchinson writes 'I was abroad on holiday when the Town Council's AGM was held and so could not have attended in any case.' Cllr Bolt confirms neither the clerk nor the council were notified of this prior to this email.

Paragraph 4: Cllr Bolt confirms that the Annual meeting 2014 was held 20th May; therefore, the meeting was not a week earlier than the year before and points out that 2014 was not an election year. He confirms that the Clerk and Chairman had acted on NALC good practice by holding the meeting between 12th & 25th May. The 12th was not possible as the Declaration of Poll Result was only sent to the Clerk on 12th May, the 25th was a Bank holiday Monday and therefore the only Tuesday to have the meeting was 19th May.

Paragraph 5: Cllr Bolt states that the circumstances were totally different as former Cllr Hartley was injured en route to the meeting and still sent apologies. If a proposal had been made by another councillor at the

meeting, then a vote would have been taken. No councillor made a proposal including Mr Hutchinson's colleague Cllr Bunton and an Independent Cllr Pinder. Cllr Pinder confirms that you cannot submit apologies for another councillor if you do not know the circumstances of absence as you do not know their will. Cllr Tolson reports that on the night he asked Cllr Bunton if Mr Hutchinson was in attendance, he confirms that Cllr Bunton shrugged and said 'He's not here' and did not make an attempt to give apologies on his behalf.

Paragraph 6: The Clerk confirms that she did not say she could not find Mr Hutchinson's email address but that she had asked Martin Haigh at the elections office if they had an email address or phone number, which he did not have, but referred her to the Statement of Persons nominated. (Cllrs Taylor & Bolt 'google' Michael Hutchinson, which produces many variants including a cyclist, but not Mr Hutchinson).

Paragraph 7: Cllr Lees-Hamilton confirms that she contacted Cllr Bunton via Facebook as she had no other contacts and extended an invitation to Cllr Bunton & Cllr Hutchinson to the Civic Service.

Paragraph 8: Cllr Bolt confirms that the Clerk fulfilled her obligation in sending out an agenda by post and confirms that Kirklees never send a summons by recorded delivery and lack of receipt does not invalidate a meeting.

Paragraph 9: Cllr Bolt states that in 18 years as a councillor he has always had to make his declaration in front of either a councillor or the proper officer, both at Town Council and Kirklees. In election year 2003 Mr Hutchinson was Outgoing Mayor and was present at the annual meeting at that time he would have made his declaration and known the legislation. He did not write to the Clerk until 31st May, 12 days after the Annual meeting and 23 days after the poll results. The Clerk took advice from YLCA throughout.

Paragraph 10: Cllr Bolt confirms that the first meeting was not changed without proper authority. He confirms that the Clerk and Chair can call a meeting at any time as long as they follow the correct process. The Chair and Clerk followed the NALC good practice in calling the annual meeting. The Outgoing Mayor is in office until a successor is voted and therefore no substance in the meeting being called without proper authority. YLCA have confirmed that this is the case. Cllr Tolson confirms that he prompted Cllr Bunton when apologies were read out and Cllr Bunton declined.

Paragraph 11: Cllr Bolt confirms that there is no mandate to have a report. He confirms that no report has been presented or minuted in previous election years nor has he ever in 18 years at Kirklees been presented with such a report. He states this is incorrect and that there is no such requirement, although it may be considered for the future. The minutes do not record Mr Hutchinson as absent as apologies have to be sent to the Clerk or Chairman and reason for absence approved by council.

Paragraph 12: Cllr Bolt confirms that the minutes are not faulty and that ALL councillors made their declaration in the office in front of the proper officer before the meeting. The 4 councillors who were absent made their declaration earlier that day in the presence of the proper officer and the declarations are recorded in chronological sequence.

Paragraph 13: Cllr Lees-Hamilton states that there wasn't anything the Clerk didn't do. Cllr Pinder refutes that the Clerk was in anyway negligent. He states there was no negation of will as it is the Local Government Act. Cllr Bolt confirms that the position has been resolved by a By-election and

the will of the electorate has seen to be done. He states that if proper action had been done after 7th May, either formally or informally a costly By-election could have been avoided and that a co-option could have been proposed by Cllr Bunton (Labour) and Seconded by Cllr Pinder (Independent) and that it would have been the only course of action to co-opt Mr Hutchinson. He states that the complaint may lead to changes to save public money.

Cllr Bolt concludes that the complaint has been heard and there is no further recourse. Cllr Bolt **Proposed** that the complaint was unproven, had no matters of substance, matters were undefined and the Town Council had considered the complaint in detail and there will be no further action and the matter is now closed Cllr Lees-Hamilton **Seconded Vote: All in favour** Cllr Bolt **Proposed** that MTC has every confidence in the ability, integrity and reliability of the Clerk and that she in no way acted negligently. As stated in her review by the employment committee her conduct is exemplary Cllr Pinder **Seconded Vote: All in favour** A copy of the minutes to be sent to Mr Hutchinson when approved.

Cllr Lees-Hamilton **Proposed** to reinstate standing orders Cllr Pinder **Seconded Vote: All in favour**

2. To appoint Internal Auditor – Cllr Pinder **Proposed** the Clerk appoints the Internal Auditor for mid-year review Cllr K Taylor **Seconded Vote: All in favour**
3. To discuss and sanction updated Financial Regulations – Clerk to print off paper copies for all Councillors to review. Defer
4. To discuss and sanction updated Standing Orders – Clerk to print off paper copies for all Councillors to review. Defer

MTC104/2015

Correspondence:

To receive the following new items of correspondence and decide any action where necessary.

1. YLCA Training Events – **Noted**
2. Local Government News - **Noted**
3. YLCA WW1 Commemoration Project – Cllr Guy reports that any project has to be established by 2018 and mentions the War Memorial and Memorial Ground Cllr Guy & Cllr Pinder to form a working party and look into possible projects and bring back to council.
4. Rural Matters Conference – **Noted**

MTC105/2015

Matters for Report and Information:

Members wishing to raise items under this heading should consult the Chairman prior to the meeting

Cllr Guy asks Cllrs if anyone can help the Royal British Legion sell Poppies in the Co-op to contact Tim Wood.

Cllr Lees-Hamilton reads out an invitation from Trinity Methodist to their WW1 Exhibition on Wednesday 11th November.

Cllr Pinder reports on the 200th anniversary of Charlotte Bronte's birth. He mentions events throughout the region and several sites in Kirklees, 4 of which in Mirfield. He mentions a cycle ride from Hollybank to Haworth. Cllr Pinder to bring back to council when more details available.

Cllr Pinder reports Canal & River Trust are having a clean-up of Battyeford Island on 16th October 10am-2pm, Saturday 10th October 10am-Noon seed gathering in Ladywood for Saplings for new Country Park & Sunday 11th 3.30pm-4.00pm rededication service for Veterans at Old Colonial. Finally, Assistant Regimental Secretary for Yorkshire Regiment wants small towns to

MTC106/2015

have a Freedom March to commemorate the Battle of the Somme. Cllr Pinder to inform the regiment of MTC interest in this.

The Date Of The Next Town Council Meeting:

Cllr Lees-Hamilton thanked Cllrs & members of the public for their endurance and input.

Date of next meeting **Tuesday 20th October 2015**

Time Meeting Closed.....**10.10pm**.....