

**Minutes of a Remote Meeting of St Harmon Community Council held on Thursday 2nd
December, 2021**

Present: Cllr D Lowde, M Williams, L McPhee, S Lewis, P Hunt,
Cty Cllr D Evans

SH 192/21 Election of Chair

Cllr McPhee chaired the meeting at this point.

Following the retirement of Cllr Donald Jenkins as Chair of the Council the election of Chair was carried out.

Cllr Williams nominated Cllr Lowde as Chair, this was seconded by Cllr McPhee and agreed unanimously

Resolved: to appoint Cllr Lowde as Chair of the Council.

Cllr Lowde thanked members for his election. Cllr Lowde thanked former Chair Cllr D Jenkins for his enthusiasm as Chair.

SH 193/21 Apologies:

Cllr D Jenkins

SH 194/21 Declarations of Interests

Cllr S Lewis SH 199/21d

SH 195/21 Presentation from Reece Simmons of Powys County Council

Reece gave a presentation with the following information:

Community Broadband Schemes – these are community led schemes working with a chosen supplier to bring fibre to the premises to an area using government funding. There is a neighbouring project in Rhayader and Nantmel.

UK Gigabit Voucher Scheme and Welsh Top Up ([Gigabit Vouchers \(culture.gov.uk\)](https://culture.gov.uk)) – the funding is broken down into the following:

UK Government for properties receiving less than 100 Mbps:

Residential Property - £1500

Business Property - £3500

Welsh Top Up for properties receiving less than 30 Mbps:

Residential - £1500

Business - £3500

If a property in Wales receives less than 30Mbps the total that property is eligible for:

Residential - £3000 Business - £7000

Contacting the Community – The chosen supplier would let the community know of the opportunity via different channels such as social media, mail etc. The supplier would commonly seek guidance and support from the community council and project group in doing this. It is key for the supplier to make sure there is interest in the community for having fibre to the premises to make the project viable.

Building the network – the chosen supplier would build the network running fibre to the premises to each property that signs up. The supplier has access to Openreach ducts and poles but has to use their own cabling. The supplier will also put in ducts and erect poles where needed too.

Cost – Suppliers commonly state there will be no upfront cost for the consumer and then monthly costs range from £19.99 to £24.99 per month for 100 Mbps (dependent on the supplier), most suppliers also provide a landline package as an option also bringing over the landline number which is commonly around £9.99 per month.

Support of the Community Council – Suppliers commonly ask for the support of the Community Councils to help publicise the project and make the people in the area aware of the opportunity. In many communities the community council also form part of or all of the project group.

Members asked some question relating to the scheme.

The Chair thanked Reece for attending the meeting. The Council will discuss this matter further and contact him with the outcome.

- SH 196/21** **Minutes**
The Minutes of the meeting held on 3rd November, 2021 were confirmed and signed.
- SH 197/21** **Minutes**
The minutes of the meeting held on 4th November, 2021 were confirmed and signed.
- SH 198/21** **Information from Minutes**
a) Football Club – Grants
The Clerk had received confirmation that a refund cheque will be issued shortly as their bank mandate is still being processed to include the new officers. This was noted.
- SH 199/21** **Public Speaking**
None.

Correspondence

a) Powys County Council – Planning – Stores Farm Barn

The council's comments have been highlighted with Building Control and committed to keep the council updated. This was noted.

b) Powys County Council – Overgrown Tree, St Harmon

The tree in question appears to be on PCC maintained land and as such would be the authorities responsibility for maintenance. The officer I will ask his team to make an assessment of the tree next time they are in the area. The Clerk had chased this up since the last meeting.

c) Powys County Council – Fly Tipping Compound

Ashley Collins has spoken with the Area Manager at Rhayader Depot who has arranged for the fly tipped waste to be cleared. He has also arranged for the old containers to be taken away. This could take a few days as the metal ones will be collected by our scrap metal contractor when they are available.

He will also speak with our Highways team as they also have old stock at this location.

These works had now been completed and the Chair thanked Cty Cllr Evans for his intervention.

ci) Resignation – Cllr Jill Bennion

The Clerk had received a letter of resignation from Cllr Jill Bennion which she was asked to read out at the meeting. This was noted.

The Clerk was disappointed to hear the accusations made by former Cllr Bennion against her integrity as Clerk and alleged actions. She confirmed that no meetings have been held with members of the council (the definition of a meeting is 2 or more members), however, she has been approached by individual members for advice and guidance which she has provided which is within her remit and duty as Clerk and RFO. Advice is open to all members, should they wish to seek it. She also confirmed that she had received many approaches from local residents with regard to legal council processes, again she has advised as appropriate.

With regard to the comments about press. Audit Wales published the Public Interest Report and immediately contact was received from local press and the BBC with regard to this matter. The Council had a duty to publish a notice about the public meeting in the press which was picked up by local reporters. Some of these were present at the public meeting and subsequent reports were made.

d) Mr T Lewis – Conduct of Vice Chair (03.11.21)

Cllr S Lewis declared an interest in this matter and left the room whilst discussions took place.

The following communication was read out:

“I am writing in connection to the meeting regarding the audit report (3rd November).

Frankly I was appalled by the behaviour of Cllr Bennion during the meeting. I can understand her voicing her opinion on matters arising during this report and welcome discussion, however her comment about a 'witch hunt' in the closing moments of the meeting was nothing short of disgusting.

Need I remind Cllr Bennion that she is meant to represent the people of the community, and it was quite evident from the speakers and letters that public opinion was supportive of the findings of the report and not in favour of the chairman. The findings of the report are those of an independent body which have no hidden agenda and only portray the facts put forward.

If Cllr Bennion cannot refrain from claiming that the vast majority of those that she is meant to represent are taking part in a 'witch hunt' (despite no evidence to suggest this), I suggest that she very carefully considers her place on the community council. “

This was noted.

e) Mr A Mills – Actions of Chair (04.11.21)

The following communication was read out:

“Following the Community Council meeting on the 04 Nov.'21, I was prompted to look up the Councils Standing Orders.

Specifically, I was concerned about the Council Chair constraining each Council Member to a single comment/opinion on each Agenda item/motion under discussion. This hardly makes for a thorough and open debate of matters that then gets put to a vote.

I have reviewed the [Model] Standing Orders and have found the guidelines vague at best. However, the Right of Reply does cover a second or further response by each Council Member. As such, it cannot be right for Council Members to be limited in their responses to matters/motions raised at Council meetings.

While in most instances, I accept debate on many Council meeting agenda items is un-necessary and meeting time has to be carefully controlled.

However, on matters that are important to the Community, the Council Members must not be prevented from having a robust and thorough debate before the item/motion is taken to a vote. Indeed, a Council Member comment/response may serve to shed light on a matter such that one or more opposing Council Members change their position and the way they were originally going to vote.

With regards to 04 November meeting, I would have expected as a minimum a proposal to limit meeting discussion, appropriately seconded and for the other Council Members to vote accordingly. As the role of each Council Member is to represent the Community, the stifling of debate is clearly at odds to this role. I was therefore somewhat surprised that a 'point of order' was not raised by any of the Council Members at the meeting.

In conclusion, as no vote was taken at the November meeting, can I ask each Council Member to confirm their opinion on the concern I have raised herein.”

This was noted.

The Chair, Cllr Lewis, Cllr McPhee and Cllr Williams all felt uneasy at the decision taken by the Chair at the time to limit debate.

Cllr Hunt stated that at the time the Audit Wales issues arose, all members were novices and were led by Cllr D Jenkins at the time.

Cllr Hunt expressed concern that the Clerk had only committed to remain as Clerk for a short while and he was worried what would happen to the council without her guidance and support.

The Clerk gave her commitment to remain as Clerk until such time that an experienced Clerk could be identified to take over the role.

f) Mr P Owen – Actions of Chair (18.11.21)

The following communication was read out:

“I understand that following the two Council Meetings to discuss The Auditors report on the shortcomings of the Council's governance, that the Chairman, despite being referred to The Ombudsman has still not resigned.

In view of The Auditor's ruling, that the conduct of the Chairman 'fell short of the standard that the public has a right to expect in public office', I am surprised that the Chairman has not resigned, especially as he lacks the support of a number of Council members.

A majority vote has already referred his conduct to the Ombudsman, and it is evident that his continued chairmanship will be divisive and therefore an impediment to the effective and collegiate future governance of the Council.

It would therefore seem reasonable, if the chairman does not stand down, for his continuance in office to be put to a vote of Council members, either as a direct motion or as a vote of no confidence.

Is this something that you as the Clerk to the Council, are empowered to facilitate please?"

The Clerk was asked to respond to this. She confirmed that the council does not have the legal power to remove the Chair or Vice from office. The only way these may be removed is by death, resignation or sanction by the Ombudsman or Standard Committee.

g) Mr P Arnold – Actions of Chair (19.11.21)
The following communication was read out:

"Further to the St. Harmon Council Meeting on 3rd November 2021, I would like to express my astonishment and dismay that, in spite of the disclosures by Audit Wales of several instances of bad practice and bad management in the running of St. Harmon Council and, furthermore , the decision by a majority at the Council meeting to refer the Chairman to the Public Services Ombudsman (in addition to many letters of complaint by members of the local community) it appears that the Chairman has every intention of continuing in his position. I would have thought that, in view of the seriousness of the disclosures, his position is no longer tenable. It is clear that he no longer has the support and confidence of the Council or the local community that he represents, and the only honourable course of action would be to resign forthwith.

I would be grateful if you would place this email, in an unredacted form, on the agenda of the forthcoming meeting on the 2nd December 2021."

This was noted.

h) Mr N Kitchen – Actions of Chair & Vice Chair (22.11.21)
The following communication was read out:

"I am writing with reference to certain issues arising from the council meetings held on 3rd and 4th November 2021 and would like to make the following observations which I hope can be discussed at the meeting to be held on 2nd December 2021:

1. At the meeting of 4th November the chairman informed the remaining councillors that he would only accept one comment from each councillor during any discussion of each matter. Having looked at the Standing Orders, I recognise that there is some ambiguity on this matter, but it is pointed out that councillors must be given a right of reply.
2. This could, and should, mean that the demand to limit each councillor to a single comment is likely to become unworkable. Whilst there is clearly a need to keep good order and have regard to the length of meetings, I feel that it is more important to allow full discussion of issues so that informed and sensible decisions can be reached.

In fact, as a member of the public in attendance, I actually spoke about this same matter at a council meeting in 2019. I remember telling the chairman that I felt there was a danger that operating in this way stifles debate and could actually close discussion down prior to a vote, so that councillors have not necessarily had the opportunity to hear, and reflect on, alternative views.

I pointed out at the time that this gives the chairman the privilege of not answering a question fully and then refusing to accept a follow up question. This is clearly not democracy at work, but we know from previous experience that this has occurred on a number of occasions, unfortunately not always evident in writing, due to the poor quality of the minutes taken by the former clerk, another problem highlighted in the Audit Wales report. There are some excellent members on the council, but they need to be given the opportunity to air their opinions, concerns and suggestions fully and openly.

Does any of this go part way to understanding why the council is in its present unfortunate predicament? With more open discussion (i.e. not dominated by one person) and proper strategic planning, most, if not all, of the problems that have arisen over the past few years could have been avoided.

3. Despite one resignation already, there are still, in my view, two councillors who hold an untenable position, namely the Chairman, Councillor Donald Jenkins, and the Vice-Chair, Councillor Jill Bennion. It quickly became evident that there was a commonly held view amongst members of the public who had written to the Clerk prior to the public meeting held on 3rd November, that the Chairman had failed in his duty as a councillor.

He has presided over the financial shambles that has been highlighted in the report from Audit Wales and as was discussed during that meeting, has brought considerable extra cost to members of the community. In most professional positions this would, I feel sure, bring about suspension from office pending the result of an investigation, if not dismissal. As this is not an option in the present circumstances, he should now take the honourable course and resign.”

Similarly, Councillor Jill Bennion is clearly at odds with the majority of the rest of the council in her unquestioning support of the chairman. This was very evident when she chaired the meeting on 3rd November. As we now know, one of her few supporters at that meeting has since resigned – the correct decision in the circumstances. Her main argument against the accuracy of the report seemed to centre around a confusion between typing errors and factual inaccuracies. Her closing remark about the meeting being “a witch-hunt” was a disgrace. The strong inference from this was that she regarded anything anyone else had to say, particularly if it differed from her view, as an irrelevance.

This domination of council procedure has gone on long enough and the only way for a fresh start is, in my view, the resignation of these two councillors, so that this whole sorry business can be put behind us, thus enabling the community, once more, to put its trust in the council.”

This was noted.

SH 201/21 Planning Applications

a) 21/1927/FUL

Grid Reference: E:299127 N: 273472

Proposal: Proposed Rural Workers Dwelling and associated works - Site

Address: Land Adj Beili Heulwen , St Harmon, Rhayader, LD6 5LY

Resolved: no objection

SH 202/21 Grant Applications

None.

SH 203/21 Finance

a) Salary - £540.30 (including 20 hours overtime worked Oct & Nov 21)

The Clerk provided an explanation of the additional salary cost which was due to extra work related to the Audit Wales report and Public Services Ombudsman reports.

- b) HMRC – £135.20 – approved
- c) Ebay – Projector Case - £34.95 – approved
- d) Bank Reconciliation to 26.11.21 – noted

Reconciliation		@	26.11.21
Balance @	@	29.10.21	40564.72
Plus Receipts			0.00
Less Payments			1050.71
Balance			39514.01
Council			15635.43
Bryn Titli			23878.58
			39514.01

SH 204/21 Set Budget for 2022/23

The Clerk had prepared a spreadsheet which included the annual expenditure to date, estimated spend to the end of the financial year and projected reserves for each budget line. She had also included some recommendations for consideration by the Council.

Powys County Council had notified the Council of the Product for a Band D precept at £312.98.

Members worked through the budget line by line taking in to account future expenditure, financial commitments and reserves. The Clerk had also received written observations from Cllr Jenkins with regard to inaccuracies, the Clerk had replied to Cllr Jenkins directly on these.

Resolved: to set a budget of £18221 and request this as a precept which equates to £58.21 per household, a small reduction on 2022/23. Clerk to publish budget on the website and make the precept request to PCC. This would enable to council to pay off the full Audit Wales debt off by May 2022.

SH 205/21 Written Notice of Motion – Cllr Sheree Lewis

As a motion requiring written notice formally submitted to the proper officer, I propose that the Council take a vote of no confidence in Cllr Donald Jenkins as Chair of St Harmon Community Council following the content and outcome of the Audit Wales investigation and subsequent public interest report.

In view of the resignation of Cllr Donald Jenkins as Chair, Cllr Lewis withdrew this motion.

SH 206/21 Written Notice of Motion – Cllr Sheree Lewis

As a motion requiring written notice formally submitted to the proper officer, I propose that the Council take a vote of no confidence in Cllr Jill Bennion as Vice Chair of St Harmon Community Council following the content and outcome of the Audit Wales investigation and subsequent public interest report and her comments at the Public Meeting held on 3rd November to discuss the report.

In view of the resignation of Cllr Jill Bennion as Vice Chair and council member, Cllr Lewis withdrew this motion.

SH 206/21 Council Vacancy

Confirmation had been received that there has been no call for an election following the resignation of Cllr S Jenkins. The Council must now enter into the co-option process.

In view of the criticism contained in the Audit Wales report on the previous co-option process, the Clerk had drafted a co-option notice for consideration by members.

In view of the resignation of Cllr Jill Bennion it was agreed to advertise the 2 vacancies for co-option.

Resolved: to advertise the vacancies for co-option in line with the draft advert and include the qualification criteria.

SH 207/21 Community Hall Report

The Chair confirmed that the AGM will be held on Wednesday 12th January 2021. The Chair will liaise with the Hall Committee to ensure that notices are placed on the noticeboards in Pant y Dwr and St Harmon.

SH 208/21 County Councillors Report

Cllr Evans reported on a few issues which included the fly tipping in Pant y Dwr.

Cty Cllr Evans asked the council to seriously consider expressing an interest in the Community Broadband Scheme.

SH 209/21 Other Matters

a) Broadband Project

Cllr Hunt has experience within this sector and would welcome an additional meeting to discuss the project. Members felt this would be a good idea.

Members agreed to express an interest in this project and await further information from Reece Simmons with a view to a meeting January 2022. The Clerk will circulate information to members and put something on the website for residents.

Resolved: to express an interest in participating in this project.

b) One Voice Wales Meeting

Cllr Hunt had attended the last meeting on 17th November but was disappointed as the whole meeting was limited to questions to Cty Cllr Rosemarie Harris and none of the agenda was addressed. Cllr Hunt will send a brief report to the Clerk for circulation.