



# Kington Town Council

The Old Police Station, Market Hall Street, Kington HR5 3DP

Telephone 01544 239098 Mobile: 07483 914 485

email: clerk@kingtontowncouncil.gov.uk

## Minutes of the Annual Town Council Meeting held via video-conferencing on

**Thursday 6<sup>th</sup> May 2021 at 7.00pm**

In accordance with The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020

### MEMBERS PRESENT

Cllr. R. Widdowson - Chair

Cllr. E. Banks

Cllr. R. Banks

Cllr. T. Bounds

Cllr. J. Cooke

Cllr. P. Edwards

Cllr. M. Fitton

Cllr. R. MacCurrach

Cllr. J. Gardner

Cllr. D. Redmayne

Cllr. E. Rolls

Cllr. I. Spencer

### IN ATTENDANCE

Liz Kelso - Clerk

Tanith Vaughan – Assistant Clerk/Green Spaces Administrator

Cllr. T. James – Ward Councillor, Herefordshire Council

### Agenda

- | Item | Minute   |
|------|--|
| 1    | <b>069-21 Election of Mayor</b><br>Cllr. R. Widdowson was unanimously re-elected Mayor of Kington for the forthcoming year and signed a Declaration of Acceptance of Office.   |
| 2    | <b>070-21 To note apologies</b><br>Apologies were noted from Cllrs. F. Hawkins, and J. Dennis  |
| 3    | <b>071-21 To note Declarations of Interest and Requests for Dispensation</b><br>Cllr. T. Bounds declared an interest in agenda item 12 as a member of both organisations. Cllr. J. Cooke declared an interest in several agenda items as a |



member of KLEEN. Cllr. E. Banks declared an interest in agenda item 12 as a member of Lady Hawkins Foundation. Cllr. T. Bennett declared an interest in the Twinning Association & Cllr. J. Gardner declared an interest in agenda item 19 as a member of KLEEN. There were no requests for dispensation.

- 4      **072-21 Election of Deputy Mayor**
  - a)      **To elect a Deputy Mayor for the forthcoming Year**

Cllr. E. Banks was elected Deputy Mayor of Kington for the forthcoming year
  - b)      **To confirm Deputy Mayor Assist for the forthcoming year**

Cllr. M. Fitton was confirmed as Deputy Mayor Assist for the forthcoming year.
- 5      **073-21 Minutes of Meeting held on 12<sup>th</sup> April 2021**

The Minutes of the meeting held on 12<sup>th</sup> April 2021, having been previously circulated, were agreed and the Chairman authorised to sign the Minutes as a true record of proceedings at that meeting.
- 6      **074-21 Public Participation**
  - a)      **Police Report**

A written report from the police was read out by the Clerk and noted.
  - b)      **Ward Councillor Report**

Members noted the verbal report from Cllr. James noting in particular a report on the Court judgement on Children's Services. Comments on adult social services and members also noted the difficulty that Herefordshire Council, like all local authorities, are encountering with the return to face to face meetings.
  - c)      **Matters raised by members of the public in attendance**

There were members of the public in attendance and no matters raised under this agenda item.
- 7      **075-21 Mayor's Report**

The Mayor's report, as attached to these Minutes, was noted.
- 8      **076-21 Committee Membership**

Committee membership, as attached to these Minutes, were agreed.
- 9      **077-21 Future meeting dates**

Future meeting dates for committees and full council were agreed as per the attached. Members noted and agreed that Committee meetings going forward would only take place where there is a business need to do so particularly with the difficulty in sourcing a venue large enough for face to face meetings whilst maintaining social distancing. It was further noted that informal briefings and working party meetings can continue as remote meetings and it was agreed to



formally consider changing committees to more informal groups in the immediate future at the next meeting.

**10      078-21    Bank Signatories**

It was agreed that signatories of Town Council bank accounts remain as the Mayor and two Deputies with 2 signatories out of 3 required to authorise all payments, transfers and instructions to the bank.

**11      079-21    Scheme of Delegation**

In recognition that meetings going forward might not be able to take place if a suitable venue cannot be sourced or as a result of future government rules regarding indoor gatherings, it was agreed to adopt the attached Scheme of Delegation in accordance with s.101 of the Local Government Act 1972. It was further noted that this Scheme of Delegation would be reviewed in 12 months time and would only be used in circumstances where it is not possible for a formal meeting to take place. Any actions taken in accordance with the Scheme of Delegation would be reported to Full Council at the next meeting.

**12      080-21    Council Representatives on Outside Bodies**

The following were agreed as representing the Town Council on the following external bodies:

a) Kington United Charities	Cllr. E. Banks
b) Lady Hawkins Foundation	Cllr. E. Rolls
c) Market Town Forum	Mayor & Deputies
d) Kington Museum	Cllr. E. Rolls
e) Kington Tourist Group	Cllr. E. Banks
f) Kington Allotments	Cllr. D. Redmayne

**13      081-21    Clerk's Report**

The Clerk's report, as attached, was noted. The Ward Councillor agreed to follow up the issue relating to car parking charge periods.

**14      082-21    Financial Matters**

**a)      Grant payment**

The annual grant payment of £2,500.00 to Kington Tourist Group was agreed unanimously.

**b)      Payments**

Payments totalling £4,112.92 (inclusive of VAT) as detailed on the attached schedule, were duly authorised.

**15      083-21    Code of Conduct**

The revised Code of Conduct, as previously circulated, was adopted by the Town Council unanimously.



**16      084-21    Town Council Policies**

It was unanimously agreed that town council policies be referred to the Scrutiny Committee for review and recommendations for updating as required.

**17      085-21    Planning Matters**

- Ref:            210130  
Site:            Turnpike, Headbrook, Kington  
Dev:            Demolition of existing barn. Relocation of Turnpike Cottage with proposed extension. Proposed erection of 4 dwellings and associated works.

Members considered this application in some detail and resolved to object to the application on the following grounds:

- Turnpike Cottage is a building of historic importance to Kington being a tollhouse located on the entrance to the town. Attempts were made to list this building some years ago as the building had become run down but the removal of the roof by the owners prevented this. Kington is one of only two towns in the country with all five of its original tollhouses so removal of this historic building will impact substantially on the history of this iconic building and the history of this town.
- The location of this proposed development is adjacent to a very busy roundabout and the entrance to the Town. Visibility coming into Kington from the roundabout is poor and the proposed entrance to the development is extremely close to the Town entrance representing a serious hazard to both road users and future residents of the development. Parking provision was noted on the site for 10+ vehicles with an extremely narrow entrance/exit shown on the plans.
- The proposals represent a clear overdevelopment of a small site and the proposed rebuilding of the Tollhouse/Turnpike Cottage fails in any way to reflect the historic nature of this building.
- Comments by Welsh Water on sewerage provision for this site were noted and it was further confirmed that through the Neighbourhood Development Plan process it had been identified that the sewerage capacity for this area is at or near capacity.
- Serious concerns were expressed at the proposal to include a reed bed sewerage system in such a low lying position in an area known to flood and next to a water course. It was felt that there is clear potential for the water course to be contaminated in the event of flooding.

The Clerk was instructed to pass these comments to the Planning Authority.

**18      086-21    Christmas Decorations Working Group**

Cllr. R. Banks gave a brief update on the work of the group. Terms of reference for the group, as attached, were agreed.



- 19      **087-21   Report on Bus Provision for Kington**  
Members noted with thanks the work undertaken by Cllr. Gardner, as an individual and a member of KLEEN, regarding bus provision in Kington. KLEEN has written to Herefordshire Council Cabinet Member for Transport requesting a meeting to discuss bus provision and in particular the reinstatement of an evening and weekend service to Hereford. After some discussion about options for bus services, potential funding sources and the wider issues of a transport strategy for Kington, it was agreed that this Council supports the work undertaken by KLEEN and would welcome an opportunity to discuss this further with Councillor Harrington with an emphasis on Transport Strategy for Herefordshire and how it impacts on Kington with particular reference to bus provision for the Town
- 20      **088-21   Tavern Roundabout**  
Members noted the potential obligations on the Town Council under the terms of a Cultivation Licence if granted with regard to the cultivation of the Tavern roundabout and in particular the need for prior approval of Herefordshire Council before any work is undertaken on the roundabout and ongoing potential liability. Noting that under the current unlicensed arrangement those volunteers currently working on the roundabout are potentially personally liable in the event of any issues arising on the roundabout, it was agreed that the council agrees in principle to applying for a cultivation licence for the roundabout, subject to an agreement with the voluntary group regarding compliance with the terms of the licence and provision of information in order to obtain the licence. The Clerk was authorised to progress this further
- 089-21   Resolution to suspend Standing Orders**  
Noting that the meeting time is to exceed the maximum time allowed within the Standing Orders, it was agreed to suspend Standing Order 3(x) so that the business of the meeting can be completed.
- 21      **089-21   Herefordshire Council's Economic Investment Plan for Kington**  
Members noted that work was continuing on Herefordshire Council's Economic Investment Plan for Kington and it is anticipated that a draft be presented to the Town Council at the next meeting.
- 22      **090-21   Councillor Email Addresses**  
Noting the report from the Clerk on the use of email addresses for Town Councillors, it was resolved to accept the recommendation contained within the report and for new dedicated town council email addresses to be set up for each Town Councillor for town council business only. The cost of this was noted and agreed as being £306.00 (+VAT).
- 23      **091-21   Annual Town Meeting**  
The impact of the holding of the previous agreed Annual Town Meeting in person following the removal of the authority to hold remote meetings was considered. It was agreed that the Annual Town Meeting scheduled for Thursday 13<sup>th</sup> May be



convened as planned but with a single resolution to close the meeting immediately and to reconvene at a later date in the autumn. The resolution was agreed unanimously.

**24      092-21      Committees**

Members noted reports from the following committee meetings:

- Planning Committee held 26<sup>th</sup> April 2021
- Services Committee held 26<sup>th</sup> April 2021
- Finance & General Purposes Committee held 26<sup>th</sup> April 2021

**25      093-21      Items for the next agenda**

A request was noted for municipal gym equipment in Kington as an item for the next agenda.

**26      094-21      Date of next meeting**

Although it was noted that the agreed date for the next meeting is 7<sup>th</sup> June but this is subject to confirmation once further guidance on meetings by NALC is noted.

There being no further business, the meeting was declared closed and 9.40pm

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Chairman



**Appendix 1**  
**Retiring Mayor's Report**

May 2021

My tenure over the last year has not contained the usual calendar of events with one or two exceptions during the brief periods between lockdowns. Now that that we are beginning to return to a semblance of normality entries are beginning to be made in the diary:

May 20<sup>th</sup> Private view at The Rodd  
July 18<sup>th</sup> Herefordshire Council Civic Service at St. Mary's Kington  
September 4<sup>th</sup> Possible Covid Remembrance Service  
October 7<sup>th</sup> Services for Independent Living event

During the year I have continued to host the contact line for people seeking support during the lockdowns. It was well used during the first lockdown but much less so in the recent one. I have also held three informal town meetings via Zoom to begin the post Covid planning. I will report verbally on the most recent meeting held on the 28<sup>th</sup> April.

I wish to thank my deputy mayors, Cllrs Banks and Fitton, who deputised for me on several occasions when I was unable to attend events because I was required to shield. My thanks also to Liz Kelso, our clerk, who has so successfully steered the Council through the many challenges of the past year and who has provided invaluable support for the mayor's role.

Cllr Bob Widdowson



COMMITTEE MEMBERSHIP  
2021-22

**Note:** Mayor and Deputies are ex-officio members of all committees  
Agreed at a meeting of the town council held on 6th May 2021



# Kington Town Council Meeting Schedule 2021-22

MONDAYS

## Committees

	Full Council	F & GP	Planning	Services	Environment	Personnel	Scrutiny	Recreation Ground Trust	Recreation Ground Mgmt Group
May 2021	6						24		
June	7		21	21					
July	5	19	19		19	20		5	
August	2		16	16					
September	6		20		20			6	
October	4	18	18	18					
November	1		15		15			1	
December	6		20	20					
Jan 2022	10	17	17		17			10	
February	7		21	21					
March	7 + 28		21		21			7	
April	4	18	18	18					

Agreed meetings will only take place where there is a clear business need to hold those meetings. Additional meetings of committees may be arranged as required

Agreed at a meeting of Kington Town Council held on 6th May 2021



# Kington Town Council

**Schedule of payments approved on 06.05.2021**

[illegible]

**FOR INFORMATION**

<b>Total of payments made through grants received:</b>					
<b>Total of payments made as a grant</b>					
Recreation Ground Trust					
Kington Town Council Grant Scheme					
			£	216.16	£
				4.81	£
					220.97
					£ -



## **Appendix 4**

### **Scheme of Delegation under s101 of Local Government Act 1972**

#### **KINGTON TOWN COUNCIL**

#### **Temporary Scheme of Delegation 2021**

#### **S101 delegation of powers**

The Scheme of Delegation (s101 of the 1972 LGA), provides for delegating authority to the Clerk for making decisions on behalf of the council as and when appropriate. S101 requires formally agreed Terms of Reference by the Council. It needs to be based in Terms of Reference (see Scheme of Delegation below) that sets out the key themes of the delegation and the financial thresholds that apply.

This scheme of delegation is a temporary measure to facilitate effective decision making whilst the COVID-19 restrictions are in place. It allows the Clerk to take on the executive role during this time.

#### **Delegation of Power**

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise Powers that have been delegated.

Any delegation to the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law.

The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.

In an emergency the Proper Officer is empowered to carry out any function of the Council.

Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult a minimum of two Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

The following items may not be delegated to the Clerk:

- To appoint the Mayor and Deputy Mayor in May each year
- To sign off the Governance Statement by 30<sup>th</sup> June each year
- To set the precept
- To appoint the Head of Paid Service (Clerk)
- To make byelaws
- To borrow money
- To consider any matter required by law to be considered by Council.



#### **To the Proper Officer LGA 1972 s101**

The Council's Scheme of Delegation authorises the Clerk to the Council to act with delegated authority in the specific circumstances detailed:

#### **To take action:**

1. To take action on any issue that cannot wait until the next Town Council meeting; as a temporary measure the Proper Officer is empowered to take any and all decisions that would normally be taken by Full Council, or a committee or a working group, having consulted a minimum of two Members. Consultation may be by email or by telephone or by virtual meeting, followed by a confirmation email.
2. If circumstances do not permit the input of at least two councillors, the Clerk would normally be expected to consult the Mayor or Deputy Mayor if the Mayor is unavailable and take his/her view into account.

#### **Financial thresholds:**

3. To authorise expenditure on items where the Council has previously approved the budget to a maximum of £5,000 per transaction having consulted a minimum of two Members and the Mayor, or to a higher level where the Council has agreed & minuted the expenditure at a prior meeting. Additionally, these Members should be independent of the two Members who will authorise the payments within the online banking system. For the avoidance of doubt, this includes any payments that will be overdue before the next scheduled Council Meeting or where discounts may be lost to the Council; to include normal salaries and all items specifically budgeted for, contracted for or expenditure previously agreed by Council at a meeting.
4. To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work or essential project which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £3,000.00 per transaction, having consulted the Mayor and Deputy taken on board their views.
5. To take any action regarding minor repairs or purchases (up to a cost of £1,000.00 per transaction) having consulted the Mayor and Deputy and taken on board their views.

#### **Planning Matters:**

6. Planning applications will be received by the Clerk and responses determined by the Clerk following consultation with a minimum of two Members who are currently members of the Planning Committee.
7. The Planning Committee delegate authority to the Clerk to request any application be referred to Herefordshire Council Planning Committee for decision.

#### **Delegation Limitations, Record keeping & Reporting:**

8. Records will be kept demonstrating a clear trail (particularly around decision making in any form).
9. All decisions will be reported at the next available Full Council Meeting.
10. Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time and this Scheme of Delegation, and where applicable any other rules/regulations and legislation.



## **Appendix 5**

### **Clerk's Report**

This report identifies activities of the Clerk since the last meeting other than those addressed elsewhere on the agenda or addressed by other Members as part of their report.

#### **1. Staffing**

We are delighted to welcome Tanith Vaughan as our new Assistant Clerk/Green Spaces Administrator with effect from 1<sup>st</sup> May 2021. Tanith will be working primarily from home and the office but can be contacted via the [admin@kingtontowncouncil.gov.uk](mailto:admin@kingtontowncouncil.gov.uk) email address.

#### **2. Meetings**

As noted at the last meeting, the regulations authorising remote meetings for town and parish councils expire on 6<sup>th</sup> May. A hearing in the High Court on 21<sup>st</sup> April aimed at clarifying whether remote meetings could take place under existing legislation issued its verdict on 28<sup>th</sup> April and although supporting the case for remote meetings, felt that the interpretation of the Local Government Act 1972 made last year at the start of the pandemic was an accurate interpretation, i.e. that the Act does not allow meetings to be held remotely. It further felt that it is the role of Parliament and not the courts to address this issue. This means that with effect from May 7<sup>th</sup>, local authorities must return to face to face meetings albeit with appropriate social distancing measures, masks etc. for councillors, staff and members of the public in attendance. As noted previously this presents a challenge to locate a suitable venue of sufficient size to accommodate 15 councillors, two staff members, the press and of course members of the public who have a statutory right to attend meetings.

It should be noted that informal meetings/gatherings such as working party meetings can continue to be held in any manner that the group feels appropriate provided it is within the law.

#### **3. Town Council Offices**

As previously noted the Town Council offices currently remain closed to casual visitors although procedures are in place for appointments to be made if required, at least once per week. There have been some issues recently with telephone access to the office so members are reminded that there is also a mobile phone number if the office number is out of action.

#### **4. Car Parking Charges**

Members may recall that this council opposed proposals by Herefordshire Council to extend the charging period for the Mill Street car park on the grounds that this might encourage parents and others to park on the street when dropping off or collecting their children from school. Since the charges have been published the Clerk has received complaints from members of the public about this proposal. Due to time pressure this is not an agenda item for this meeting but will be referred to committee in due course.



5. **Planning application 204490**

This was considered at the last meeting but the Clerk has been advised that there are now amendments to the plans and this will be coming back for full consultation again in due course.



## Appendix 6

### Terms of Reference – Christmas Decorations Working Group

#### Terms of Reference for The Christmas Decorations Working Group

##### Current Members:

Chris Coates (KCoT)  
Judith Gardner (KTC)  
Emma Hancocks (KCoT)  
Fred Hawkins (KTC)  
David Redmayne (KTC)  
Ian Spencer (KTC)  
Richard Banks (KTC, Chair)

- KTC: Kington Town Council
- CDWG: Christmas Decorations Working Group
- Full Council: A properly constituted meeting of Kington Town Council.
- The Clerk: The Clerk to Kington Town Council.
- CD Plan: The Christmas Decorations Plan

We resolve that that the terms of reference for the CDWG should be:

#### 1. Constitution, membership and dissolution.

- a. The CDWG will consist of a minimum of four members of King Town Council, two members representing Kington Chamber of Trade, plus up to 6 additional members of the community as the group thinks fit
- b. The CDWG will have a chair, appointed by the CDWG. The chair will be appointed annually by majority vote of the CDWG.
- c. Any council member will be welcome to attend any CDWG meeting on request to the Chair. Individual meetings will be also open to non-KTC members on invitation from the Chair.
- d. All permanent members of the CDWG are required to sign up to KTC's Code of Conduct.
- e. The CDWG can be dissolved by the appropriate resolution by Full Council.
- f. These terms of reference may only be changed following a resolution passed by Full Council and will be reviewed annually in May.

#### 2. Meetings

- a. The CDWG will meet virtually or in person not less than once per month and additionally from time to time as agreed necessary by the CDWG.
- b. Meetings require at least two clear days' notice. Notes of meetings will be kept and provided to members as required.
- c. The meeting quorum is four, provided that at least one member is from KTC.



### **3. Scope**

- a. The primary responsibility of the CDWG is to create and present to Full Council a properly budgeted and specified plan for the annual Kington Christmas decorations (The CDPlan).
- b. On approval of the CDPlan, the secondary responsibility of the CDWG is to seek sources of finance additional to the financial contribution of the Council. This will be through sponsorship, subscription, donations from the community and others.
- c. Applications for grants or other external funding and all expenditure must be authorised by Kington Town Council
- d. The CDWG Is authorised to enter into discussions and negotiations with potential suppliers and contractors in connection with delivery of the CDPlan. All orders and contracts for goods and services must be made in accordance with Kington Town Council's Financial Regulations following agreement by the Town Council.
- e. The contracting party with any suppliers will be Kington Town Council.
- f. The CDWG will follow health and safety requirements, Codes of Conduct, GDPR, and all other regulations of KTC.

### **4. Finance**

- a. The CDWG is not authorised to enter into contracts or commitments without the express consent/resolution of KTC
- b. The CDWG will report all offers of external financial contributions and the terms on which they might be accepted to the Clerk or Full Council as appropriate. The Clerk or Full Council as appropriate is responsible for deciding whether to accept said contributions.
- c. The CDWG follow KTC's financial regulations and procurement policy.

### **5. General**

- a. The CDWG will regularly keep the Mayor, Clerk and, as necessary, Full Council apprised of its activities.
- b. In time the CDWG undertakes to explore establishing itself as a separate legal entity to remove all responsibility from the Council barring ongoing financial contribution.