

ASH PARISH COUNCIL

Minutes of the Meeting of the Council held in the Ash Centre, Ash Hill Road, Ash on Monday 10 October 2022 which commenced at 6:30pm

Chairman of the Council:	Cllr Nigel Manning	A
Vice Chairman	Cllr John Tonks	✓
	Cllr Andrew Gomm	✓
	Cllr Helen Gorham	A
	Cllr Tony Gorham	A
	Cllr Nigel Kearse	✓
	Cllr Marsha Moseley	A
	Cllr Jo Randall	✓
	Cllr Martin Burgess	✓
	Cllr Bill Cole	✓
	Cllr Carla Morson	✓
	Cllr Pat Scott	✓

✓ Present x Not Present A Apology for Absence

Cllr John Tonks acted as chairman for the meeting in the absence of Cllr Nigel Manning.

Part I – Public Session

60. Apologies for Absence. (agenda item 1)

Apologies for absence were received from Cllr Nigel Manning, Cllr Marsha Moseley, Cllr Tony Gorham, and Cllr Helen Gorham.

61. Declarations of Interest. (agenda item 2)

There were no declarations of interest for this meeting.

62. Confirmation of the Minutes. (agenda item 3)

The minutes of the Meeting of the Parish Council held on Monday 12 September 2022 copies of which have been circulated to members, were confirmed as a true record, and will be signed by the Chairman of the Council.

63. Chairman's Announcements. (agenda item 4)

The Lakeside Funday is being held on Thursday 27th October between 10:00am and 4:00pm by the Guildford Community Wellbeing Team.

Regarding item 9: Response from Barrister, the councillors agreed for the summary in paragraph 26 of the barrister's response to be read so it could be discussed fully.

The Remembrance Day parade will be held on Sunday 13th November at 10:30am

64. Adjournment. *(agenda item 5)*

Members considered adjourning the meeting for a maximum period of 25 minutes, to enable members of the public to raise questions and it was:

Resolved that the meeting be adjourned for a maximum period of twenty five minutes to enable a public question period to be held (as at Minute Appendix A).

65. Reports of Committees. *(agenda item 6)*

The following committee reports, copies of which have been circulated were received, considered and the recommendations therein were adopted:

Planning	September	26	2022	Minute Number	126 to 133
AFA	September	26	2022	Minute Number	150 to 161

66. Monthly Payments List. *(agenda item 7)*

Members received and approved the monthly payments list giving details of the August 2022 expenditure as attached at Agenda Appendix B.

67. Second Draft Budget 2023/24. *(agenda item 8)*

Members noted the second draft of the 2023/2024 budget.

68. Response from Barrister. *(agenda item 9)*

Members noted the response from the Barrister regarding the non-attendance of public meetings for two Councillors and it was agreed to accept the barrister's advice by a vote of five to two. One councillor abstained from voting.

69. Repairs to Ash Recreation Ground Footpath. *(agenda item 10)*

A Health and Safety inspection was carried out on the footpath from the Ash Centre Car Park to Coronation Gardens, as a result various trip hazards were discovered, which need to be repaired.

Members to consider the options and to approve the repairs to the Ash Recreation Ground Footpath from the Ash Centre Car Park to Coronation Gardens.

and it was decided to defer a decision until the next meeting, noted that delegated powers may be used at the AFA meeting on 24th October on the condition that additional quotes for the patching of the pathway could be obtained.

70. Correspondence. *(agenda item 11)*

There was no correspondence to report.

71. Next Meeting. *(agenda item 12)*

The next meeting is on Monday 14 November 2022 at 18:30.

The meeting closed at 19:28 pm.

Chairman: _____

Date: _____

AGENDA APPENDIX A**ASH PARISH COUNCIL****LOCAL CODE OF CONDUCT – DISCLOSURE OF INTERESTS****September 2022**

DATE OF MEETING	MEMBER	MINUTE REF & PAGE NO.	TYPE AND NATURE OF INTEREST
PLANNING 26 September 2022			None.
AMENITIES, FINANCE AND ADMINISTRATION 26 September 2022			None.

AGENDA APPENDIX B

Payments List

Date: 07/09/2022

Ash Parish Council

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Time: 14:58

Co-op Community Directplus Acc

List of Payments made between 01/08/2022 and 31/08/2022

<u>Date Paid</u>	<u>Payee Name</u>	<u>Reference</u>	<u>Amount Paid</u>	<u>Authorized Ref</u>	<u>Transaction Detail</u>
01/08/2022	Shire Leasing	DD	210.52		Rental of Phone System
04/08/2022	Zurich Municipal	BACS 1	9,288.03		Annual Insurance
04/08/2022	Franco typ Postalia Ltd	BACS 2	50.00		Postage Download
04/08/2022	Viking Direct	BACS 3	7.13		Heavy Duty Rubbish Sacks
04/08/2022	G Tomkins Window Cleaning	BACS 4	20.00		APC Centre Window Clean
05/08/2022	CO-OP BANK	BACS	32.75		Bank Charges
11/08/2022	GBC Licencing Dept	BACS	21.00		TENS for Band Concert
12/08/2022	Viking Direct	BACS 5	93.90		Cleaning Materials
12/08/2022	Joel Baker	BACS 6	167.06		Azure Plan for June
12/08/2022	Hampshire Metalcraft Ltd	BACS 7	180.00		To Cancel Duplicate Invoice
12/08/2022	Lockrite Security	BACS 8	195.00		Lock repairs to workshop
12/08/2022	Castle Water Ltd	BACS 9	196.65		Water for Ash Centre
12/08/2022	Lister Wilder Limited	BACS 10	263.94		Air Compressor
12/08/2022	WJ Fire Protection Services	BACS 11	330.00		LED Replacement Lights
12/08/2022	Magic signs	BACS 12	419.30		Summer Uniforms
12/08/2022	Joel Baker	BACS 13	428.04		Mircost 365 Monthly Subs
12/08/2022	Shield Security Services Ltd	BACS 14	1,048.80		External Security for August
12/08/2022	Neil Curtis & Sons	BACS 15	1,335.00		Grave Digging x 4
15/08/2022	Cooper and Withycombe	BACS 16	1,620.00		Insurance Inspections
15/08/2022	AA Fencing UK Ltd	BACS 17	7,902.00		Fencing for Car Park
15/08/2022	G-Force Economy Van Hire	BACS 18	20.00		Repairs to Tyre ND57NSF
16/08/2022	E-ON	BACS 20	649.66		Gas for Ash Centre
16/08/2022	Octopus Energy	BACS 19	11.56		Electric Harpers Porto Cabin
16/08/2022	Octopus Energy	BACS 21	13.02		Electric at Carrington Rec
16/08/2022	Octopus Energy	BACS 22	18.08		Electric at Toilets Carrington
16/08/2022	Octopus Energy	BACS 23	104.17		Electric at Ash Rec (Fairs)
16/08/2022	Octopus Energy	BACS 24	131.63		Electric at APC Public Toilets
16/08/2022	Octopus Energy	BACS 27	132.22		Electric at Harpers Scout Hut
16/08/2022	Octopus Energy	BACS 28	522.43		Electric at APC Offices
16/08/2022	Scottish and Southern Energy	BACSC 25	1,702.20		Street Lights
16/08/2022	ELLIOTS CLEANING SERVICES	BACS 26	301.30		Office Carpet Cleaning
22/08/2022	HMRC	BACS	3,769.25		PAYE ON JULY/AUGUST SALARIES
22/08/2022	SURREY PENSIONS	BACS	3,361.76		PENSION ON AUGUST SALARIES
22/08/2022	Castle Water Ltd	BACS 30	900.00		Water for Ash Centre
22/08/2022	Lockrite Security	BAQCS 31	1,050.00		Dual Communication Alarm
22/08/2022	Dans Garden Services	BACS 32	1,152.00		Cemetery grass cut June
22/08/2022	Dans Garden Services	BACS 33	1,152.00		Cemetery Grass Cut July
22/08/2022	PDW Contracting Services Ltd	BACS 35	2,607.93		Monthly Maintenance CCTV
22/08/2022	PDW Contracting Services Ltd	BACS 36	2,668.93		Mthly Street Light Maintenance
22/08/2022	Barriers Direct	BACS 29	818.21		Parking Hoop Fold Down Barrier
22/08/2022	PDW Contracting Services Ltd	BACS 37	3,431.58		Replacement pole and Lantern
22/08/2022	PDW Contracting Services Ltd	BACS 44	24,649.22		APC Car Park Refurb Part 1
22/08/2022	E-ON	BACS 43	75.69		Gas at Harpers Scout Hut
22/08/2022	D P Brookes	BACS 42	240.00		Repairs to Pipes in Ladies WC
22/08/2022	Aqua vent Ltd	BACS 41	133.00		Monthly Water Check
22/08/2022	Homebase Ltd	BACS 40	85.50		Paint/Ant Powder
22/08/2022	Viking Direct	BACS 39	21.57		Cleaning Materials/refreshment

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Date: 07/09/2022

Ash Parish Council

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Time: 14:58

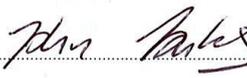
Co-op Community Directplus Acc

List of Payments made between 01/08/2022 and 31/08/2022

<u>Date Paid</u>	<u>Payee Name</u>	<u>Reference</u>	<u>Amount Paid</u>	<u>Authorized Ref</u>	<u>Transaction Detail</u>
22/08/2022	J P and S Services	BACS 37	477.61		Fuel for Vans & Equipment
23/08/2022	LAND REGISTRY	BACS	6.00		8271869
24/08/2022	Viking Direct	BACS 54	36.39		Cleaning Materials/refreshment
25/08/2022	SALARIES	BACS	12,586.98		SALARIES FOR AUGUST
25/08/2022	PARIBAS LEASING	BACS	1,590.00		HIRE OF PRINTER/PHOTOCOPIER
25/08/2022	Guildford Borough Council	BACS 52	154.50		Road Closure Fees for Fantasia
31/08/2022	LAND REGISTRY	DD	6.00	SEARCH 8271869	LAND REGISTRY

Total Payments 88,389.51

Clerk 

Chairman 

Date 14/10/22

APPENDIX A

PUBLIC ADJOURNMENT.

The following questions were asked with regards to Item 9 on the agenda :

In light of the advice of the monitoring officer of Guildford Borough Council, SALC and NALC and the high court's decision on 21st April 2021, when will the council accept that the absent councillors have ceased to be councillors and when will their vacancies be advertised?

The barrister's response is only an opinion and is saying that if it went to court, it may be found that they are councillors but as it has not gone to court, should we go back and follow the advice of the other bodies?

How can you morally and ethically defend not getting rid of these councillors?

When was the legal advice received and why has it not been shared?

Is there a reason the council is choosing to not follow the high court's legal precedent?

The council will discuss this in section 9. Back in May, we discussed the monitoring officer's comments and decided to seek legal advice as we were unable to agree on a position at that time. The wording of our request and which barrister to use was made jointly. The barrister was given the information from the monitoring officer and was fully aware of the case references mentioned and has confirmed that they do not apply in this case. We received his advice last week and, in his professional view, they are still councillors as they have attended meetings which were held correctly and legally. At the moment, this matter is not open for public consultation but the councillors will be voting on whether to accept this legal advice. Once the council has made a decision, will we ask the councillors to agree to make the legal advice received public.

Do the councillors accept that the absence of the two councillors for 18 months has resulted in an under-representation and do you believe that democracy is properly served by this under-representation?

I am not aware of anyone that has been disadvantaged by any situation of any councillor so I would dispute your assertion that they've been under-represented but that is the decision we have to look into today. The barrister's legal view is that they have fulfilled their duties as councillors by attending meetings within the time period so we have no grounds on which to disqualify them.

The legal advice has been received by the barrister, but it has not been challenged in a court of law.

The council took the decision to take legal advice as it was unable to agree at that point. A Barrister was appointed with an engagement letter that was agreed by the council. The Barrister has read the local government act and given his legal advice accordingly. The barrister has made a very concise 8-page response ensuring it includes every detail as to why the councillors should not be disqualified. If APC followed this legal advice and its decision was subsequently challenged in court, the barrister has summarised that APC will have made this decision lawfully.

Do councillors get paid?

APC councillors do not get paid.

The council had opinions from NALC/SALC & Guildford's monitoring officer which suggest the councillors are disqualified, why are these opinions being ignored?

The barrister reviewed the opinion from NALC/SALC and the monitoring officer. The monitoring officer's role is to look at the conduct of councillors, in this case the conduct of the councillors is not in question. It is their attendance at meetings. This is something that the monitoring officer is not qualified to comment on. NALC is a body that represents the interests of local councils. It does not decide how councils are run and it has no authority. The legal advice that states the councillors may not be automatically disqualified and the options have been shared with all councillors to enable a decision in item 9.

Can the councillors provide an update with the proposed railway bridge as the development on one side is now done but the planning for the other side (now for 86 houses) is still being kicked around?

We are aware of that application, and it is still being discussed by the planning officers. We have been in contact with the planning officer at Guildford Borough Council as there are two further applications on Harpers Road and the road bridge will be needed to alleviate the additional traffic. We were assured by the officer that he is keeping up to date with the other planning officers and we will be keeping an eye on it.