

Minutes of the AGM meeting of the Manafon Community Council held on Wednesday the 13th May 2015 at 7.30pm. at New Mills Village Hall.

Present – Cllrs. R. Benyon, Chairman, J. S. Davies, Ms. J. Hall, C. Davies, T. Jerman, and the Clerk Mrs L. Stanton.

- 1) **Welcome** by Cllr. R. Benyon Chairman
- 2) **Apologies for absence** – Apologies from Cllr. H. Lewis, C. Cllr. Mrs. J. Shearer, Cllr. Mrs. E. A. Lewis.
- 3) **Declaration of Interest** – Clerk Lorraine Stanton vis a vis agenda item 17; review of position of Clerk.
- 4) **Minutes of the last meeting**; minutes approved, proposed by Cllr. T. Jerman, seconded by Cllr. J. Davies, duly signed by Chairman Cllr. R. Benyon.
- 5) **Matters arising from minutes.**
 - a) Clerk confirmed all action points completed from last meeting.
 - b) OVW Meeting/Conference – re affordable housing see agenda item 13 for full update.
 - c) No specific matter arising other than those discussed as main agenda points.

6) Election of Officers and Representatives

Election of new Chairman nominated as Cllr. J. Davies, proposed by Cllr. C. Davies, seconded by Cllr. T. Jerman. Election of new Vice Chairman nominated Cllr. H. Lewis, proposed by Cllr. J. Davies, seconded by Cllr. Ms. J. Hall.

The following representatives were elected thus:

Manafon Messenger - Cllr. Ms. J. Hall; **Ysgol Rhiw Bechan** – Cllr. R. Benyon; **Police & Fire** – Cllrs. R. Benyon & C. Davies; **New Mills Village Hall** – Cllrs. C. Davies & H. Lewis; **One Voice Wales** – Chairman, Vice Chairman, Clerk, at least one of these should attend meetings if not possible one other Councillor to attend meetings; **Powys CC liaison Meetings** - Chairman, Vice Chairman, Clerk, at least one of these should attend meetings if not possible one other Councillor to attend meetings. Proposed by Chairman Cllr. R. Benyon and changes unanimously agreed, all present voted in favour.

7) Correspondence / Updates from Clerk

- a) School Modernisation and School Transport Review. At a meeting of the Standards Sub-Committee held in the 25th February 2015, a dispensation was issued regarding School Modernisation and School Transport Review was granted. The details of this is too extensive to be incorporated into the minutes so copies will be put on the notice boards, in the Manafon Messenger and uploaded to web site so that the local Community are adequately informed.
- b) Correspondence from Pensions Regulator, as an employer (albeit even if only 1 employee), we are governed by the Workplace Pensions Act, basically this means that every employer irrespective of the number of employees must automatically enrol those who are eligible into a workplace pension scheme and contribute to it. Clerk must give the Pensions Regulator a nominated contact (Clerk & RFO) by 31st May, our

staging date for roll out is 1st May 2017. My understanding is that employees can opt out of this scheme but Clerk will investigate further and report back at next meeting.

- c) Audit Commission, an article was published in the SLCC Magazine (May edition) which seems to suggest that smaller councils will be exempt from external audits and this will be replaced by Annual Assurance Reviews. Eligibility as a small Council is based on gross income and expenditure not exceeding £25,000 per annum. The Government has published the final version of this Code which replaces the need for external audit for parish councils with turnover less than £25,000. The code will require the on-line publication of information which the Government says will provide taxpayers with a clear picture of the council's' activities, spending and governance and will improve the ability of communities to hold local public bodies to account. However the Code is published initially as recommended practice, the Secretary of State told Parliament on 17th December that he intends to make the code mandatory by the start of the 2015 to 2016 financial year and will offer support to the local council sector to help authorities comply with these requirements. Clerk has to verify if this legislation is equally applicable to Councils in Wales as article not specific and an initial look at the legislation on www.Gov.uk seems to be "England specific".
 - d) Article in Clerks & Councils Direct vis a vis NALC award of government funding to facilitate new audit and transparency rules for small councils, Clerk to see if any funding available to MCC from this source that would support us in developing this aspect, i.e. lap top purchase.
 - e) OVW newsletter received, issued to Chair/Vice Chair for perusal, nothing of note that has not been reported at past meetings / minutes.
 - f) Mid-Wales Housing – written to inform us that they are shortly publishing a consultation paper about its new and exciting shared ownership idea. The need for affordable home in Wales is estimated to be 14,000 each and every year with a conservative figure of 350 in Mid-Wales alone.
 - g) Cllr. R. Benyon had received some correspondence related top the proposals to construct a sewage plant in Manafon Some discussion took place as to the implications for local residents particularly with regard to the siting if the plant and 2 areas where there are issues with sewerage; The Green and New Mills. The Clerk will arrange for correspondence to be posted on the notice boards, the web site and included in the next edition of the Manafon Messenger. Clerk will also invite representatives from STW to the next meeting in June.
 - h) Ombudsman for Wales has published a revised Guidance on the Code of Conduct for Members, copies can be downloaded from the website, this is the link to the information if required: http://www.ombudsman-wales.org.uk/~media/Files/CodeofConductguidance_E/Code%20of%20Conduct%20Community%20Councils%20%20reissued%20March%202015%20English.ashx
- 8) Compliance with legislation affecting Community Councils and Web site development/update**

Clerk met again with Glenn Roberts to discuss revamp of web site, not as much progress as would have hoped so far due to technical issues and issues with web hosting company. Time is of the essence as these changes were effective 1st May 2015. Glenn will try and make as much progress ASAP.

Going forward the plan is for Clerk to submit new version at next meeting for Council approval, this whole exercise needs to be expedited due to time constraints involved and the fact that we are not 100% ready as we should have been. Once revamp has taken place Clerk will accept responsibility for maintaining web site in future with the support of Glenn Roberts in the interim. Glenn Roberts does not require payment for his work on this transition; instead he would like Council to make an appropriate donation to the Welsh Air Ambulance Charity instead.

All Councillors to provide Clerk **urgently** with details of their interests, political affiliations if members of a specific political party, any committees serving on, any other office held and any other interests such as land owners affected by Wind Farm Developments etc. etc. using the attached template please.

9) Planning

Only 1 planning application had been received along with an amendment, reference P2015/0268 Bron y Rhiw Cottage, Council considered the plans beneficial to having a habitable and acceptable property in the village and no objections were registered.

10) Retirement Gift/Discretionary Payments

As discussed at last meeting, it had been brought to the attention of the Chairman that recent changes to Local Government regulations meant that the sum of money previously agreed by council and subsequently awarded to retiring clerk in recognition for her 36 year service was an ineligible payment. The Chairman had sought the advice of OVW and this had been confirmed by OVW that under the change of legislation the Council had not now followed the correct and limited way to fund this type of award. Once this matter had come to light the money was refunded to Manafon CC in full. This has resulted in Councillors discussing ways in which the award could be funded. The most likely source was to organise a collection between existing and previous Councillor's. Existing Councillors present were in agreement and Cllr. Benyon would provide the Clerk with names and addresses of previous Councillors so they could be contacted in respect of a voluntary contribution.

11) Council Year end Audit, Audit report and Governance Statement

Clerk confirmed the internal audit have been completed and had been carried out by Mrs. A. Gawne of Cwm Glas, Manafon, a qualified book-keeper, no errors or omissions were found and accounts were found to be in order. It had not been possible to engage services of previous internal auditor. Clerk submitted the year end accounts which were ready to go to external auditors LBDO and these were duly signed by Chairman Cllr. Benyon.

See appendices for Year-end report and Annual Governance statement and Annual internal audit report.

Clerk also submitted to Council a detailed profit and loss for the financial year 1st April 2014 to 31st March 2015, these will be available on MCC web site shortly. In brief there was a small loss of £310.41 on the year comparing income with expenditure; this can be explained by a number of exceptional items as below. It should be noted that the Web Site hosting paid in advance for 5 years represented a saving in paying annually over a 5 year period of £150.

Exceptional items	
War Memorial Repair	£240.00
Advertising	£274.21
Donations to charities / events	£500.00
Website hosting 5 years	£150.00
Total exceptional items	£1,164.21

12) Highways

Cllr. C. Davies provided new contact details for local Highways issues for approximately 6 weeks Dean Evans, tel. no. 01686 611580. A number of issues with pot holes were given to Cllr. C. Davies and he agreed to control and liaise with highways department for repairs to be made ASAP.

The matter of the damaged street light at Trem Hirnant was raised but can be noted repairs had already been facilitated by Powys CC.

13) Reports of Training / Meetings attended

No training attended.

OVW meeting 22/4 at Machynlleth attended by Cllr. J. Davies, full minutes will be circulated when received. One point of major interest to Manafon CC in relation to the Section 106 Affordable Housing. It was discussed that we should take this to the AGM of OVW (3rd October 2015 Builth Wells). We will have to request a motion to OVW first and they will decide if it can go forward to the AGM in October. If OVW do accept the motion then someone representing Manafon CC will have to attend the AGM, Cllr. J. Davies said we had the support of Abermule CC and they would second the motion if required. Clerk offered to prepare the motion, submit to Chair/Vice Chair for approval first then submit to OVW and if required by Council the Clerk would attend AGM if motion accepted.

White Paper reform was discussed, mergers of smaller community councils looks like an inevitability in the future.

Community delivery initiative Newtown 23rd April 2015, attended by Cllr. R. Benyon. Meeting was more of an update on clustering and services that might be devolved rather than a formal agenda. Very little to report and on reflection not much progress evident.

14) Payment of accounts

The annual insurance via AON due for renewal for 1st June. Clerk had looked at other companies but AON still seemed to be the best option. Clerk recommended that we commit to AON for 3 years to secure a 5% reduction in the cost of our insurance for that period. This was unanimously agreed by Council and Clerk will arrange necessary paperwork.

List of accounts that required payment, all were approved and signed off by Cllrs. R. Benyon & J. Hall

Postage (Clerk)	£6.48
Web Site Hosting 2 years (J R Davies)	£9.58

Internal Audit Fee Mrs. A. Gawne	£30.00
Insurance AON	£285.65

15) Date of next meetings

The next meeting of the Council will be held on Wednesday the 24th of June 2015 at 7.30pm. Dates were agreed for remainder of year subject to final agreement at prior meeting. Future dates have to be declared in the Annual Audit Return so it makes sense for there to be some consistency with the Audit return and enable everyone to forward plan dates on a personal level. Dates agreed were as follows, all on a Wednesday, New Mills Village Hall at 1930 hours unless otherwise advised:

24th June 2015; 29th July 2015; August no meeting; 2nd September 2015; 7th October 2015; 25th November 2015; December no meeting; 6th January 2016; 3rd February 2016; 2nd March 2016.

16) Proposed agenda for meeting 24th June 1930 hours (any additional items arising in the meantime will be added before issuing prior to meeting)

1. Welcome
2. Apologies for absence
3. Declaration of interest (as agenda points arise)
4. Minutes of the last meeting
5. Matters arising from minutes
6. Correspondence/Updates from Clerk
7. Web site development update
8. Planning Applications
9. Retirement Gift/Discretionary payments - Resolution
10. Highways matters
11. Local Development Plan Consultation
12. Reports from meetings / training attended
13. Payment of accounts
14. Agenda items next meeting
15. Confirmation of date of next meeting

17) Position of Clerk

A long discussion ensued in respect of the vagaries of HMRC and having to set up a payroll system, Clerk informed the meeting that in excess of 12 hours had been spent trying to resolve matters with HMRC all down to the change in Clerk and how payroll has to be operated in the eyes of HMRC. Local councils with any employees are, by definition, employers and are required to apply Pay as You Earn (PAYE). PAYE taxes and National Insurance contributions (NIC) should be calculated and recorded for every employee. Deductions should be paid to the Collector of Taxes on or before the date prescribed. In addition the general requirements of the Employment Acts apply but are not within the scope of this guidance. HMRC issued guidance in March 2011 setting out the correct Income Tax and NIC treatment of parish clerks. This guidance confirms that a parish clerk is an office holder and that all office holders are subject to PAYE. This means that parish clerks: can never be considered as self-employed for tax or NIC purposes; cannot be paid 'gross'; and fall to be taxed under PAYE. In many local councils, the clerk will also be appointed as the RFO. HMRC guidance confirms that where the RFO is a separate appointment, the RFO is also an office holder and is subject to the same Tax and NIC rules as the clerk.

Obviously the critical factor was not to find a solution not just for now but to ensure that whatever was put in place would stand the Council in good stead for the future and avoid these sorts of issues again in the event of a change in Clerk or any other paid employee of the Council.

The Clerk reported that these issues with HMRC had resulted in a late filing of PAYE returns for PAYE to HMRC as we could not gain proper access. HMRC and Clerk have a record of all conversations and HMRC said that if an automatic penalty of £100 was issued it would likely be rescinded on appeal.

The Clerk's salary was reviewed and with effect from 1st April would be £1500 per annum. This was proposed by Cllr. J. Hall and seconded by Cllr. C. Davies and unanimously agreed.

The Clerk is not going to claim payment for the additional hours worked to resolve the issues with HMRC.

The Clerk informed Council that because of the issues with HMRC the simplest solution was for the Clerk to be paid once per annum at the end of March to fit in with the end of the tax year. Obviously there was a payment due to the Clerk for the 2nd instalment of her employment of £300 but this would be added to salary for 2015/2016 and paid together to avoid any more issues with HMRC and late filing so in March 2016 a total of £1800 salary would be payable, accepted and agreed unanimously.

A contract of Employment was to be finalised ASAP.



Clerk & RFO to the Council

Action Points from Meeting 13th May 2015

Clerk

7. Correspondence

School Modernisation and School Transport Review. copies will be put on the notice boards, in the Manafon Messenger and uploaded to web site

Pensions Regulator - give the Pensions Regulator a nominated contact (Clerk & RFO) by 31st May, our staging date for roll out is 1st May 2017. Employees can opt out of this scheme, Clerk will investigate further and report back at next meeting.

Audit Commission - Clerk has to verify if this legislation is equally applicable to Councils in Wales as article not specific and an initial look at the legislation on www.Gov.uk seems to be "England specific".

Sewage Treatment Plant - Clerk will also invite representatives from STW to the next meeting in June.

Clerk to see if any funding available from NALC to MCC from this source that would support us in developing this aspect, i.e. lap top purchase.

8. Web site - Clerk to submit new version at next meeting for Council approval, this whole exercise needs to be expedited

13. Reports of Training / Meetings attended, Clerk to produce motion for AGM OVW submission on affordable housing

Councillors

8. Web site - All councillors - Web Site Data, All Councillors to provide Clerk **urgently** with details of their interests via template in appendices

10. Retirement Gift/Discretionary Payments, Cllr. Benyon would provide the Clerk with names and addresses of previous Councillors, **Clerk** would produce/issue polite letter asking for voluntary contributions to retirement gift

12. Highways – Cllr. C. Davies agreed to control and liaise with highways department for repairs to be made ASAP.

17. Clerk & Chair to resolve contract of Employment for Clerk

Appendices

Appendix 1 - Annual Governance Statement 2014/2015

Appendix 2 - Annual internal audit report 2014/2015

Appendix 3 – Councillors interests / affiliations (removed as no longer relevant)