



NELSON TOWN COUNCIL

MINUTES OF AN EXTRAORDINARY MEETING OF NELSON TOWN COUNCIL held in the Council Chamber, Nelson Town Hall, Market Street on Wednesday 13th June 2018 at 7.00pm

Councillors Present: Zafar Ali (Chair), Nazeem Hayat (Vice-Chair), George Adam, Faraz Ahmad, Mohammad Aslam, Adrian Barrett, Mashuq Hussain, Mohammed Khalid, Mohammed Kamran Latif, Mohammed Malik, Michelle Pearson-Asher, Nigel Pearson-Asher, Sheila Wicks

Absent Councillors: Cllr Sajid Ali, Zeeshan Amjad, Majid Ali Anwar, Najaf Anwar, Malik Anwaar Hussain, Azim Khan, Neil McGowan, Hassan Mahmood, John Richardson, Saanval Safir

Non-Councillor (without voting rights): County Councillor Azhar Ali

Officers: Safia Kauser - Town Clerk/RFO

Members of the Public: One

2018/001 **ONE MINUTE SILENCE**
(TC) The Chairman invites members to observe a one minute of silence

A one minutes silence was observed.

2018/002 **APOLOGIES FOR ABSENCE**
(TC) To receive and approve apologies for absence and reasons given to the Clerk prior to the meeting.

Apologies were received and accepted from Cllr Sajid Ali, Zeeshan Amjad, Malik Anwaar Hussain and Neil McGowan.

2018/003 **DECLARATIONS OF INTERESTS**
(TC) Members are reminded of the legal requirements concerning the declaration of interests. A Member must generally declare a disclosable pecuniary interest which he or she has in any item on the Agenda. A Member with a disclosable pecuniary interest may not participate in any discussion of the matter at the meeting and must not participate in any vote taken on the matter at the meeting. In addition, the Council's Standing Orders require a Member with a disclosable pecuniary interest to leave the room where the meeting is held while any discussion or voting takes place.

There were no declarations of Interest.

2018/004 **ADJOURNMENT FOR PUBLIC PARTICIPATION**
(TC) To adjourn the meeting for 15 minutes to allow members of the public to make representation on the business of the agenda for the meeting. No resolutions can be under public participation.

Signed Chair:

Dated:

One member of the public addressed the Council in regards to agenda item number 12. The applicant had submitted a grant application for £1,000 and informed the council about the upcoming event.

2018/005
(TC)

VOTING RIGHTS FOR NON-COUNCILLORS

The Council for clarification purposes is asked to note that in accordance with Standing Orders and LGA 1972, s102, the Council may appoint non-councillors onto committees, sub-committees and advisory committees, with or without voting rights with the exception of the committee which regulates and controls the finances of the Council. Non-councillors will be summoned to attend meetings, receive agendas and background papers to meetings and can speak at a meeting whether or not they can vote. Where a non-councillor has voting rights, they are subject to the Code of Conduct for the Council.

This was noted by members.

2018/006
(TC)

GENERAL POWER OF COMPETANCE

To consider resolving the use and eligibility of the General Power of Competence Order until the next ordinary elections in May 2019. In accordance with Parish Councils (General Power of Competence) Order 2012, the Council meets the prescribed conditions for eligibility to use the General Power of Competence as set out in the Localism Act Chapter 1, section 1 to 8 (advice sheet attached)

The prescribed conditions for eligibility which the Council must meet are:

- Two thirds of Councillors declared to have been elected at an ordinary election, uncontested at an ordinary election one elected at a by-election. 16 Councillors represent two thirds of Nelson Town Council seats.
- The Council must have a qualified Town Clerk with a minimum CILCA qualification, completed relevant training in the General Power of Competence and must additionally pass the General Power of Competence module of CILCA. The Town Clerk is fully qualified and trained in its uses.

The Clerk provided an update to Council on the eligibility and the use of the power. It was explained that the General Power of Competence is the power of 1st resort and it gives the council the power to do anything an individual can do unless there is a statutory prohibition and so long as they don't break the law. The criteria was currently met by the Council who now has in place a qualified Clerk who is trained in the use of the General Power of Competence.

Proposed by Councillor Mashuq Hussain, Seconded by Councillor Kaamran Latif, and **RESOLVED:** That the Council declares the eligibility and use of the General Power of Competence in accordance with the General Power of Competence Order 2012. The council declares that it has had two thirds of Councillors elected in May 2015 and a qualified Town Clerk who has completed the CILCA and the General Power of Competence module.

2018/007
(TC)

REVIEW OF DELEGATION ARRANGEMENTS TO COMMITTEES, SUB-COMMITTEES AND OFFICERS

To receive and adopt the Scheme of Delegation that contains the delegation arrangements to Committees, Sub-committees and Officers of the Town Council in accordance with the LGA, 1972, s101. The Scheme of Delegation also contains the committee Terms of Reference.

The Chair explained the purpose of the scheme of delegation which contains the committee terms of reference, however he suggested that additional wording should be included for the Unity Well Being Committee remit, page 14, point 5. Although the

committee is tasked to deal with all elements relating to building maintenance and services contracts eg legionella testing, it was felt that any contracts relating to caretaking and cleaning should fall within the remit of the Personnel committee. It was noted that any business relating to Allotments, had now been merged within the remit of the Environmental Improvements committee.

Proposed by Councillor Barrett, Seconded by Councillor Kaamran Latif, and
RESOLVED: That the Council adopts the Scheme of Delegation with the additional wording to be adding on page 14, reference 5 as follows 'with the exception of caretaking and cleaning'

2018/008
(TC)

STANDING ORDERS AND FINANCIAL REGULATIONS

To review and adopt the Standing Orders and Financial Regulations (enclosed)

- The Town Clerk has updated the Standing Orders based on the new model SO published by NALC in April 2018. Appendix A within the standing orders includes the list of Council policies and procedures in force
- The Financial Regulations have been updated using the model NALC regulations.

The Clerk informed the Council that since the draft Standing Orders were circulated, a number of policies had been missed off appendix A, which the council has previously adopted.

Proposed by Councillor Nigel Pearson-Asher, Seconded by Mohammed Aslam, and
RESOLVED: That the Standing Orders and Financial Regulations are adopted, and that appendix a of the Standing Orders includes the additional policies to be listed: Training, learning and development policy, Ward initiative fund devolved powers policy, Freedom of Information policy, Data protection and Information Security Policy.

2018/009
(TC)

COMMITTEE MEMBERSHIP AND REPRESENTATION ON OUTSIDE BODIES

To receive the committee membership list for 2018/19 that includes representatives appointed on external bodies

The committee and external bodies membership list for 2018/19 was circulated. The Chair went through each committee and confirmed the members that had been previously appointed.

Environmental Improvements Committee

Councillor John Richardson to be removed (error), and Councillor Mohammed Kamran Latif to be replaced.

Events, Promotional and Marketing Committee

Councillor Mohammed Khalid to be removed (error), and Councillor Nazeem Hayat to be replaced. Councillor Azhar Ali confirmed as a non-councillor without voting rights.

Unity Well Being Management Committee

Cllr Faraz Ahmed to be added to the membership as this had been missed off in error and Councillor Azhar Ali confirmed as a non-councillor without voting rights.

The membership list for outside bodies is to be reviewed at the next Full Council meeting.

To appoint one member to the Environmental committee and one member on the Finance and General Purposes committee due to the resignation of Cllr George Adams

Proposed by Councillor Z Ali, and Seconded by Councillor Mashuq, and
RESOLVED: That Councillor Adrian Barrett is appointed onto the Environmental Improvements committee.

Proposed by Councillor Kaamran Latif, and Seconded by Councillor F Ahmed, and **RESOLVED:** That Councillor Mashuq is appointed onto the Finance and General Purposes committee.

2018/010
(TC)

MEETING SCHEDULE 2018/19

To agree the proposed schedule of meeting dates and times for 2018/19 (two meetings schedules have been drafted for consideration, referenced A and B)

Members were in agreement with schedule B subject to changes recommended by the Chair. The changes would see a pattern in meetings to be held on the second and fourth Wednesday of the month. Discussions took place surrounding the proposed meeting of the Annual Town Meeting. Some members felt this date clashed in with the elections and that the Council Chamber would not be available due to them using it to count postal votes. Another two dates were suggested, subject to the availability of the Council Chamber.

Proposed by Councillor Zafar Ali, and Seconded by Councillor Mashuq, and **RESOLVED:** That the Council adopts Meeting Schedule B for 2018/19 subject to the following changes:

Environment Improvements Committee

The proposed dates of 6 September 6.30pm be changed to 5 September; 06 December 6.30pm be changed to 05 December 7.00pm; 07 March 6.30pm be changed to 06 March 7.00pm

Events, Promotional & Marketing

Proposed date of 28 June 2018 – to be changed to 27 June 2018
Proposed date of 06 September 2018 – to be changed to 05 September 2018
Proposed date of 06 December 2018 – to be changed to 05 December 2018
Proposed date of 07 March 2018 – to be changed to 06 March 2018

Personnel Committee

Proposed date of 23 October 6.30pm be changed to 24 October 7.00pm.

Unity Well Being Management Committee

Proposed date of 19 June 6.30pm be changed to 20 June to 7.00pm; 11 September 6.30pm be changed to 26 September 7.00pm; 13 November 6.30pm be changed to 28 November 7.00pm; 16 January 6.30pm be changed to 23 January 7.00pm; 12 March 6.30pm be changed to 27 March 7.00pm

Annual Town Meeting

Proposed date of 01 May to be changed to 10 or 24 April subject to the availability of the Council Chamber.

2018/011
(TC)

TO CONSIDER COMMITTEE RECOMMENDATIONS BROUGHT FORWARD

EO Finance and General Purposes committee meeting 30 May 2018; Annual Return for the period ending 31 March 2018

Proposed by Councillor Z Ali and Seconded by Councillor Zeeshan, and **RECOMMENDED:** That, the Finance and General Purposes committee recommends that full Council approves the Annual Return sections one and two (inclusive of the financial statements) and that the Annual Return governance statement declaration be duly signed by the Chair and the Town Clerk/RFO. **(RESOLVED – all in favour)**

2018/012
(TC)

GRANT APPLICATION

Signed Chair:

Dated:

Due to the urgency of the grant required, full Council is requested to consider the application submitted by 'Building Bridges' for a sum of £1,000, subject to meeting the grant criteria conditions.

Proposed by Councillor Latif, Seconded by Councillor Michelle Pearson-Asher, and **RESOLVED:** That the grant application of £1,000 is granted to Building Bridges

2018/013
(TC)

DECLARATION OF SIX MONTH ABSENCE

In accordance with the Local Government Act 1972, s.85; the Council must declare the non-attendance of Cllr Azim Khan, who has failed to attend a meeting of the whole council, a committee, sub-committee or joint committee for a period of six consecutive months and the reason of his absence is not approved before the expiry of the six-month period.

Note: Cllr Azim Khan's last attendance recorded at full Council 08 November 2017

Members raised concerns that due to less than half of the Civic year remaining, a by-election must be avoided to save costs. However given that the member had breached the non attendance legislation, the process must therefore be followed and a casual vacancy be triggered.

Proposed by Councillor Latif, and Seconded by Councillor Michelle Pearson-Asher, and **RESOLVED:** That the Council declares Councillor Azim Khan has failed to attend a meeting of the council, committee, sub-committee or joint committee for a period of six consecutive months without any reason of his absence provided or approved by the Council.

2018/014
(UWB)

DATE OF THE NEXT TOWN COUNCIL MEETING

The next Nelson Town Council meeting is due to be held on Wednesday 11th July 2018 at 7:00pm in the Council Chambers, Town Hall, Market Street, Nelson.

The meeting was closed by the Chair at 7.45pm.