

UNADOPTED

MINUTES OF A MEETING OF  
MALVERN TOWN COUNCIL

held remotely via Zoom on

Wednesday 3 March 2021 at 6.00 pm

**Councillors**

Present

N Morton (Chairman)  
L Lambeth (Vice Chairman)  
C Bovey  
J Dallow  
C Hooper  
N Houghton  
J Leibrandt  
L Lowton  
N Mills  
J O'Donnell  
C Palmer  
J Satterthwaite  
P Smith  
S Taylor  
P Tuthill  
D Watkins

**Absent**

P Mewton  
S Charles (apologies)  
R McLaverty-Head  
A Stitt

**Also in attendance**

L Blake - Town Clerk  
L Wall – Minute Clerk  
  
Cllr Kaleem Aksar (MHDC)  
Cllr Natalie McVey (MHDC)  
Cllr Dean Clarke (MHDC)  
  
3-4 members of the public

**287. APOLOGIES FOR ABSENCE**

Apologies received from Cllr Samantha Charles were **NOTED**.

**288. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**289. MINUTES OF PREVIOUS MEETING**

It was **RESOLVED** that the minutes of the following meeting be approved and adopted as a correct record of the proceedings, to be signed by the Mayor in due course:

- Full Council meeting 3 March 2021.

**PUBLIC PARTICIPATION**

Ed Moseley spoke regarding item 10 Transfer of Land at Mill Lane. Mr Moseley is a British Cycling accredited coach and ride leader. He is a member of the Malvern Cyclesport Club which runs weekly sessions for under 16s throughout the summer, attracting over 50 children of all abilities. He would like to see more facilities in Malvern for cyclists, especially a pump track, which is similar to a skate park with jumps and ramps but is considered to be safer and more inclusive, whilst helping to improve fitness and skills. A pump track would enable to club to run alternative coaching sessions working on specific techniques. Mr Moseley said he had been in touch with officers at the Town Council regarding a suitable site for a pump track and that the land at Mill Lane had been identified as a possible location. Work has

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already been started on a bike pump track proposal and a Facebook petition has so far attracted 600 signatures from the WR postcode. Mr Moseley would like the pump track concept to be included in the consultation on the possible use of the land at Mill Lane.

### 290. MAYOR'S ANNOUNCEMENTS

The Mayor had attended the virtual launch of a Malvern-based charity set up to provide education to under privileged children, wherever they may live.

The day after the meeting, the Mayor was going to attend tree-planting at Greenfields Road as part of the Town Council's rewilding project.

### 291. REPORTS BY COUNTY AND DISTRICT COUNCIL REPRESENTATIVES IN ATTENDANCE

#### County Reports

**Cllr O'Donnell** mentioned that funding had been secured for tree planting in his division, the Octagon Centre, Newtown Football Club and Malvern Rugby Club. Pavement repairs were ongoing whilst most of the roadworks taking place locally were due to utility repairs. He also reported that the vaccination centre at the Three Counties Showground would be opening very soon.

**Cllr Smith** asked about the progress of works to the roadway at the top of the 99 steps and expressed concern that the barriers blocking access to the steps were unsuitable. It was **AGREED** that the Town Clerk would write to the Chief Executive at Worcestershire County Council to express the Town Council's concerns.

**Cllr Tuthill** reported that the Fire Service Chief would retire very soon and that a replacement had been made from within the service. Vaccinations in the county were going well whilst there had been complaints made about the maternity services, which was disappointing considering they had previously been performing so well.

#### District Reports

**Cllr Palmer** reported that the travellers that were on the Priory Road car park were making a terrible mess but officers at MHDC had taken legal action to evict them the following day.

**Cllr Aksar** said there was a new consultation over land ownership at 124 Worcester Road. The street signage team were changing the signs on Gloucester Close, and there were three replacement oaks being planted in Somerfield Road. He would speak to the tree officer regarding complaints and concerns over the large tree in Summerfield Road.

**Cllr Mills** had spoken to the Town Clerk about a request for a litter bin at the end of Gloucester Road by Clarence Park. He and Cllr Aksar would liaise with the depot about emptying it if put in place.

**Cllr McVey** said that there were plans to hold an event to celebrate the end of lockdown using items that had been donated to the covid memory bank, and that

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staff would be returning to work on 21 June. She thanked colleagues on both town and district councils for their work on the Malvern Hills College task group.

### 292. **TOWN COUNCIL WARD REPORTS/REPRESENTATIVES ON OUTSIDE BODIES**

#### Town Council Ward Reports

**Cllr Lowton** reported that the food bank continued to be very busy with existing and new customers, but was short of food donations, specifically sugar, jam, squash, washing powder and children's toiletries. Morrisons vouchers for fresh food will be distributed whilst most people will also receive a fuel top up voucher. Cllr Lowton also updated Councillors on progress with bike racks and that the Town Clerk had applied for new bike racks on behalf of Faun through the ParkThatBike scheme.

**Cllr Palmer** reminded everyone that the Malvern Hills Trust car park passes would be valid for an extra two months, until the end of May rather than the end of March.

#### Outside Bodies

**Cllr Hooper** had been to a CALC meeting the previous evening where community engagement was considered as well as discussion on what parish and town councils were doing regarding covid restrictions. It was hoped that a Town Council policy on community engagement can be considered by Policy and Resources Committee. There was also a presentation by the head of emergency planning and Cllr Hooper would forward the notes to the Town Clerk for distribution.

### 293. **MEMBERS' QUESTIONS**

There were no members' questions.

### 294. **UPDATE ON TOWN COUNCIL OPERATIONS AND ACTIVITIES**

The Town Clerk provided a verbal update on town council operations and activities:

- The Operations Team is now working full time without being on a rota, and is now busier as mowing has started.
- All members of the office staff will be back in the office full time from the following Monday.
- Football fixtures will commence at the end of March and continue until the end of June. Staff will be able to cover these fixtures as Bands in the Park does not commence until late June this year.
- The advice from NALC and CALC is to continue meetings by zoom but the regulations that allow this are due to be reviewed on 7 May; an extension is expected. The Mayor has called a Special Full Council meeting to discuss the Victoria Park pavilion project and this will be on Monday 10 May.
- There has been a land slippage in Rosebank Gardens which has been investigated initially by a structural engineer and precautions have been taken to make the area safe. Further investigations and works will be required and the Town Council's insurers have been informed of the situation.
- Pickersleigh Grove: comments made by Operations and Planning Committee in response to the planning appeal have been submitted.

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- The vacancy for a Grounds Maintenance Operative has been advertised and interviews will take place in mid-March.
- Grants - there have not been many applications to the grants scheme so far. The closing date is 12 March 2021.
- Rules and protocol regarding purdah will come into force from 29 March and guidance on this matter will be circulated to all councillors in the coming weeks.

### 295. **NOTICE OF MOTION – WORKS TO PATHWAYS IN ROSEBANK GARDENS**

Report CL01/21 was received and accepted.

Cllr Peter Smith presented the notice of motion. Cllr Smith reminded members that the Town Council had an obligation to maintain Rosebank Gardens and emphasised that the funding requested would enable paths to be upgraded and repaired. It was made clear that the proposed path works would not be affected by the recent landslip as they were in different areas of the gardens. Cllr Smith requested that there be a programme of upgrading works to all paths in the gardens and this be considered in future budgets.

It was **RESOLVED** that expenditure of up to £7,000 be approved for works to improve pathways within Rosebank Gardens, including:

- i. upgrading and resurfacing the sloping path leading from the upper (south) gate on Foley Terrace/St Ann's Road, down to the level path on the upper terrace.
- ii. insertion of a French drain alongside the pathway adjacent to the skylark sculpture which leads upwards to the second level of the gardens.
- iii. use of grass protection mesh to reinforce certain grassed areas alongside pathways in the garden to prevent damage from Town Council vehicles.

### 296. **TRANSFER OF LAND AT MILL LANE – PUBLIC CONSULTATION ON POSSIBLE USE OF RECREATIONAL LAND**

Report CL01/21 was received and accepted.

It was noted that social media would be used to promote the details of the consultation to as wide an audience as possible. Councillors felt that this item should be discussed at the next meeting of Operations and Planning Committee to set out some ideas for the consultation. The need to take purdah into account was also noted.

It was **RESOLVED** that Officers would carry out a public consultation on possible uses of the recreational land at Mill Lane, due to be transferred to the Town Council, and that results from this consultation would be brought back to a council meeting later in the year for final decision.

### 297. **MALVERN HILLS COLLEGE – PROGRESS REPORT FROM TASK GROUP**

Report CL02/21 was received and noted.

Cllr Hooper had provided a full report at appendix A, and he thanked Cllr Palmer for her support at the task group. The task group had consisted of various interested

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parties such as Worcestershire County Council, Malvern Hills District Council, staff and students from the college, and charitable bodies.

The Town Council's application to make Malvern Hills College an Asset of Community Value had been accepted but Warwickshire Colleges had subsequently announced their intention to sell, meaning that there is now a period of six weeks for a community interest group to come forward as potential bidders before WCG are free to sell the asset.

A formal offer has been made by the Worcester Community Foundation to the Warwickshire Colleges Group to buy the building, and this is now being considered.

It was **AGREED** that delegations would be given to the Town Clerk alongside Cllr Hooper to write to the Education and Skills Funding Agency to ask them to support the need for a further education college in Malvern. A letter will be drafted and sent to all Town Councillors for comment before final dispatch on Friday.

### **298. POLICY AND RESOURCES COMMITTEE RECOMMENDATIONS**

Report CL03/21 was received and accepted.

#### **Minute 122 Review of Short Term and Long Term Objectives**

An amendment to 2a) of the short term aims and objectives was suggested and agreed so that it would now read:

*“to encourage the improvement and better maintenance of pavements, highways, footpaths and PROWs within the town through liaison with WCC and to encourage the public to report any issues to the Town Council so that these can be forwarded to the appropriate County or District Councillor for action to be taken”.*

With this amendment, it was **RESOLVED** to accept the short and long term aims and objectives as prepared by the Aims and Objectives Task and Finish Group.

#### **Minute 123 Town Council Training Policy**

It was **RESOLVED** to adopt the Training Policy for Town Councillors.

#### **Minute 124 Review of Earmarked Reserves**

It was **RESOLVED** to approve the details of Earmarked Reserves as summarised.

### **299. NOTES FROM ENVIRONMENTAL PANEL**

Cllr Leibrandt reported on progress made by this group and that Cllr Morton was drafting an amended environmental policy ready for the next meeting of the panel on 25 March. This would then be presented to Full Council at its meeting on 14 April for approval and adoption.

### **300. APPOINTMENT OF NEW MEMBER(S) TO THE VICTORIA PARK PAVILION TASK AND FINISH GROUP**

Report CL04/21 was received and accepted.

The Town Clerk explained that a new member was required due to the size and importance of the project, and members were asked to volunteer.

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Cllrs Palmer, Taylor and Mills were appointed to the Victoria Park Pavilion Task and Finish Group.

**301. DATE AND TIME OF NEXT MEETING**

It was agreed that the date of the next meeting of Full Council would be Wednesday 14 April 2021 at 6.00pm, to be held remotely via Zoom.

The meeting finished at 7.45 pm.

.....  
(Chairman)

DRAFT

**A REPORT OF THE TOWN CLERK TO  
A MEETING OF MALVERN TOWN COUNCIL**

to be held remotely via Zoom on Wednesday 21 April 2021, at 7.00 pm

**LOCAL AUTHORITY REMOTE MEETING –  
CALL FOR EVIDENCE CONSULTATION**

**1. Purpose of Report**

1.1. For discussion and decision.

**2. Recommendation**

2.1. Council is asked to consider a response to the government's local authority remote meetings – call for evidence. This response to be put together in one of the following ways:

- i. At tonight's meeting by Council approval.
- ii. Delegate a small group of councillors to form a task and finish group to put together a response.
- iii. Delegate the Town Clerk to put a response together with Councillors invited to email their contributions.

**3. Background**

3.1. Powers granted by Section 78 of the Coronavirus Act 2020 allowed local authorities to meet remotely from 4 April 2020 until 6 May 2021.

3.2. The government has recently announced its decision not to extend remote meeting powers and therefore local authorities must now make plans to meet safely in person when the government's road map allows, as from 17 May.

3.3. Several bodies are continuing to lobby against this decision and there is a current case due to go before the High Court to decide if the existing law actually allows for remote meetings. A decision is expected before the end of April.

3.4. The National Association of Local Councils is strongly urging councils to respond to the government's 12-week call for evidence about how remote meetings have been used. This call for evidence will last for twelve weeks from 25 March 2021 with the aim of gathering information about the pros and cons of making arrangements for remote meetings permanent in England.

3.5. There are eleven questions attached at Appendix A to this report. The response will be submitted on behalf of Malvern Town Council.

3.6. Councillors may wish to consider issues such as attendance levels, convenience/easy access, free flowing debate, engagement of councillors, cost, technical issues, communication barriers/decrease in personal contact, meeting management/ease of enforcing standing orders and code of conduct.

**4. Financial Implications**

4.1. None specifically pertaining to this report.

**5. Legal Implications**

**AGENDA ITEM 9**  
**REPORT CL01/21**

- 5.1. The powers granted under Section 78 of the Coronavirus Act 2020 have allowed Malvern Town Council to meet remotely over the last year. These powers will cease as from 7 May 2021.

End

Linda Blake  
Town Clerk

**LOCAL AUTHORITY REMOVE MEETINGS: CALL FOR EVIDENCE**

Q1. Generally speaking, how well do you feel the current remote meetings arrangements work?

- Very Well
- Well
- Neither well nor poorly
- Poorly
- Very Poorly
- Unsure

Q2. Generally speaking, do you think local authorities in England should have the express ability to hold at least some meetings remotely on a permanent basis?

- Yes
- No
- Unsure

Q3. What do you think are some of the benefits of the remote meetings arrangements? Please select all that apply.

- More accessible for local authority members
- Reduction in travel time for councillors
- Meetings more easily accessed by local residents
- Greater transparency for local authority meetings
- Documents (e.g. minutes, agendas, supporting papers) are more accessible to local residents and others online
- Easier to chair meetings in an orderly fashion
- A virtual format promotes greater equality in speaking time during meetings
- I do not think there are any benefits to remote meetings
- Other (please specify)

Q4. (For local authorities only) Have you seen a reduction in costs since implementing remote meetings in your authority?

- Yes
- No
- Unsure

Q5. What do you think are some of the disadvantages of the remote meetings arrangements, and do you have any suggestions for how they could be mitigated/overcome? Please select all that apply.

- It is harder for members to talk to one another informally
- Meetings are less accessible for local authority members or local residents who have a poor-quality internet connection
- Meetings are less accessible for local authority members or local residents who are unfamiliar with video conferencing/technology
- There is less opportunity for local residents to speak or ask questions
- Some find it more difficult to read documents online than in a physical format
- Debate is restricted by the remote format
- It is more difficult to provide effective opposition or scrutiny in a remote format
- It is more difficult to chair meetings in an orderly fashion
- Virtual meetings can be more easily dominated by individual speakers
- It might enable democratically elected members to live and perform their duties outside their local area on a permanent basis, therefore detaching them from the communities they serve
- It may create too substantial a division between the way national democracy (e.g. in the House of Commons) and local democracy is conducted
- I do not think there are any disadvantages to remote meetings
- Other (please specify)

Q6. What do you think are some of the main advantages of holding face-to-face meetings, as opposed to remote meetings?

Q7. If permanent arrangements were to be made for local authorities in England, for which meetings do you think they should have the option to hold remote meetings?

- For all meetings
- For most meetings with a few exceptions (please specify)
- Only for some meetings (please specify)
- I think local should be able to decide for themselves which meetings they should have the option to meet remotely
- I do not think local authorities should have the option to hold remote meetings for any meetings
- Unsure

Q8. If permanent arrangements were to be made for local authorities in England, in which circumstances do you think local authorities should have the option to hold remote meetings?

- In any circumstances
- Only in extenuating circumstances where a meeting cannot be held face-to-face or some members would be unable to attend (e.g. severe weather events, coronavirus restrictions)
- I think local authorities should be able to decide for themselves which circumstances they should have the option to meet remotely
- I do not think local authorities should have the option to hold remote meetings under any circumstances
- Other (please specify)
- Unsure

Q9. Would you have any concerns if local authorities in England were given the power to decide for themselves which meetings, and in what circumstances, they have the option to hold remote meetings?

- Yes
- No
- Unsure

Q10. If yes, do you have any suggestions for how your concerns could be mitigated/overcome?

Q11. In your view, would making express provision for English local authorities to meet remotely particularly benefit or disadvantage any individuals with protected characteristics e.g. those with disabilities or caring responsibilities?

- Yes
- No
- Unsure

**A REPORT OF THE TOWN CLERK TO  
A MEETING OF MALVERN TOWN COUNCIL**

**to be held remotely via Zoom on Wednesday 21 April 2021, at 7.00 pm**

**UNITY CORPORATE MULTI-PAY CARD**

**1. Purpose of Report**

1.1. For discussion and decision.

**2. Recommendation**

2.1. Council is asked to approve a Unity Corporate Multi-Pay card for use by Town Council Officers and for the setup to include the proposals detailed in 3.7 below.

**3. Background**

3.1. In 2013, section 150(s) of the Local Government Act 1972 was repealed meaning that the Town Council could switch to using electronic payments rather than just cheques.

3.2. In 2019, the Town Council opened an account with Unity Trust Bank; this bank being one of a few that operated online banking suitable for use by town councils with dual authorisation of payments being a major feature.

3.3. In the past the Town Council has always operated by opening accounts with suppliers and paying on receipt of invoice. There is also a small petty cash float used to purchase smaller items with cash when needed.

3.4. Recent events and activities have highlighted the need for the Town Council to be able to make purchases using a card as there are now more and more occasions when purchasing online or at a store requires payment at time of purchase.

3.5. This had not previously been possible due to the dual authorisation rules for payments and staff have sometimes had to pay and reclaim expenses which is not a desirable solution. Unity Trust Bank have now partnered with Lloyds Bank and Mastercard and launched the Unity Corporate Multi-Pay card which acts as a charge card.

3.6. In order to use this card, the Town Council would need to submit an application, assign two programme administrators, set up card holders and set monthly spending limits.

3.7. It is proposed that:

- i. The Town Clerk will be the Primary Programme Administrator and thus be responsible for the overall management of the account, manage cardholders and expenditure limits and receive statements. The PA to the Town Clerk will be the Secondary Programme Administrator as a back-up and in the event of the absence of the Town Clerk.
- ii. There should at present be one cardholder and that will be the Operations and Office Co-ordinator, this Officer being linked to office, operations and events functions.
- iii. A single transaction limit will initially be set at £500 with a monthly credit limit of £1,500. All transactions of over £100 must be approved in advance by signature of either the Town Clerk or Operations Manager.

- 3.8. The Council's Administration and Finance Officer will be responsible for producing a monthly statement of items purchased and their purpose for sign off by two of the council's authorised signatories.
- 3.9. The purpose of this charge card will be to allow Town Council officers to be able to purchase essential items where it is not possible to pay by invoice. Larger purchases however will be purchased in the same way to ensure audit trails, purchasing protocols and risk management are still achieved.
- 3.10. There will be a review of this system after six months.

**4. Financial Implications**

- 4.1. The total spend on the Multi-Pay card will be settled in full each month by a direct debit from the Town Council's bank account.
- 4.2. The card's maximum single transaction limit will be set at £500 and the monthly credit limit at £1,500. These will be reviewed and can be changed by the Town Clerk as Primary Programme Administrator.

**5. Legal Implications**

- 5.1. The repeal of section 150(s) of the Local Government Act 1972 allows the Council to make payments in ways other than by cheque.
- 5.2. The Council's Financial Regulations will need to be updated to reference the use of a charge card. This will be done as part of a review of Financial Regulations as a whole, scheduled for later in the year.

End

Linda Blake  
Town Clerk

**A REPORT OF THE TOWN CLERK TO  
A MEETING OF MALVERN TOWN COUNCIL**

to be held remotely via Zoom on Wednesday 21 April 2021, at 7.00 pm

**POLICY AND RESOURCES COMMITTEE RECOMMENDATIONS**

**1. Purpose of Report**

1.1. For decision.

**2. Recommendation**

2.1. Full Council is asked to consider the recommendations from the meeting of Policy and Resources Committee held on 31 March 2021 and listed below.

2.2. Recommendations to be presented by the Chairman of the Policy and Resources Committee or, if absent, the Vice-Chairman.

i. **Minute 131 Malvern Town Community Support Grant – Citizens Advice Bureau**

It was **RECOMMENDED** that a grant of £16,000 per annum for three years be awarded to the Citizens Advice South Worcestershire.

ii. **Minute 134 ARCOS large grant 2019**

It was **RECOMMENDED** that ARCOS be allowed to retain their 2019 grant of £3,500 for an outdoor play area project in May 2021.

iii. **Minute 135 Assessment of Malvern Town Council's Significant Risks in achieving its short-term objectives**

It was **RECOMMENDED** that the assessment of the Town Council's significant risks to achieving its short-term objectives be accepted.

iv. **Minute 137 Vexatious Behaviour and Complaints Policy**

It was **RECOMMENDED** to adopt the draft Vexatious Behaviour and Complaints Policy without any further amendments.

**3. Background**

3.1. At a meeting of Full Council held on 12 September 2018, it was resolved that committees would approve their own minutes for accuracy with any recommendations from committee meetings being taken separately to be accepted by Full Council before being put into effect.

3.2. Full Council is therefore asked to consider the recommendations listed above in 2.2 and to approve, amend or refer back to committee as appropriate.

3.3. Councillors are reminded that the relevant reports as considered by committees when making their recommendations can be found within the papers distributed for the meeting and these will not be reissued.

3.4. If any councillor has any queries relating to a recommendation, it is suggested that they raise it with either the Town Clerk or Chairman of Committee before the Council meeting.

**4. Financial Implications**

4.1. Please see individual committee reports.

**5. Legal Implications**

- 5.1. Please see individual committee reports for specific details.
- 5.2. Council decisions are supreme and therefore any changes to recommendations can be made with final agreement at Full Council.

End

Linda Blake  
Town Clerk