

**Minutes of an E.G.M. of**  
**Yarm Town Council held at**  
**The Fellowship Hall (side entrance)**  
**West Street, Yarm TS15 9BT.**  
**Date: Thursday 10th August 2023**  
**Time: 7pm**  
 Members of the public were invited to  
 attend the meeting  
**SIGNED: Juliet Johnson, Proper Officer to YTC**



Yarm Town Council  
 Town Hall  
 High Street  
 Yarm  
 TS15 9AH

In accordance with the Openness of Local Government Bodies Regulations 2014, photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted; the Chair will notify those present of this at the start of the meeting and ask whether they agree to be filmed, recorded or photograph

# E.G.M.

## YARM TOWN COUNCIL

### MINUTES

**PRESENT:**

- |                               |                   |                                  |
|-------------------------------|-------------------|----------------------------------|
| Cllr Peter Monck (Chair)      | Cllr Ian Carter   | Cllr Yvonne Pybus                |
| Cllr Pam Smailes (Vice Chair) | Cllr John Coulson | Cllr Barbara Wegg                |
| Cllr Philip Addison           | Cllr Joyce Hardy  | Cllr Robert Wegg                 |
| Cllr Marje Blair              | Cllr Alan Moffitt | Proper Officer/Clerk - J.Johnson |

**Prior to the start of the meeting, the Chair led a minute’s silence for a previous Clerk, Peter Wood, who had recently passed away.**

- 1. Notice of Meeting** - public notice of the meeting has been given in accordance with schedule 12, paragraph 10 (2) of the LGA 1972.
- 2. To appoint a Chair in the absence of the Chair and/or Vice Chair - N/A.**
- 3. Apologies for Absence - None Received.**
- 4. Code of Conduct | Declaration of Interest | Dispensation**
  - a) To record declarations of interest from members of any item to be discussed

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 – section 100A(4), members of the public (other than those prohibited from doing so) are entitled to attend this meeting and/or have access to the agenda

b) To consider, vote upon and record any requests for dispensation

4.1 No declarations of interest or requests for dispensation were received.

**5. To discuss and vote upon whether to pay for monitoring & maintenance of CCTV at Willey Flatts Field**

(cost being £2,100 in the first year, £3,900 per annum thereafter; DOCUMENT REFERS)

**Cllr Coulson and the Clerk** presented the information regarding costs and associated issues regarding the installation of CCTV at Willey Flatts Playing fields. In short, the cost of a CCTV camera would be covered from the Ward Budget in the first year leaving £2,100 in the first year and £3,900 in any ensuing years to be paid by YTC if agreed. The meeting noted that the presence of / need for CCTV had to be reapproved each year (information from Stockton Borough Council- SBC). It was proposed that YTC should agree to have CCTV sited at Willey Flatts based on the costs and information given.

**PROPOSED: Cllr Coulson                      SECONDED: Cllr Blair                      AGREED**

**6. National Lottery Heritage Fund (NLHF) Bid - to discuss and approve draft (DOCUMENT REFERS)**

**Cllr Monck** referred to the draft NLHF bid prepared and circulated by the Clerk (in role as Development Manager for the Town Hall Heritage Centre) and asked if Councillors had any questions regarding its contents. **Cllr Monck** proposed that the bid be approved for submission subject to any changes to be made on advice from NLHF and that the Development Manager and Chair had dispensation to make these changes accordingly.

**PROPOSED: Cllr Monck                      SECONDED: Cllr Moffitt                      AGREED**

**7. Payments to approve:                      i) Town Hall water bill (£1,543)**

**Cllr Addison** briefed the meeting that there was an outstanding water bill (based on a rateable value) for the Town Hall which had not been paid as it was being challenged (given notified absence from the building for more than a year in preparation for restoration). It was proposed that a portion of the bill (e.g. £500) be paid in order to ensure continued supply on moving back in, whilst the challenge to the full amount continues (with dispensation for the Clerk to pay the full amount if absolutely necessary).

**PROPOSED: Cllr Addison                      SECONDED: Cllr Moffitt                      AGREED**

**ii) Installation of electricity metre - Town Hall**

**The Clerk** reported difficulty with an ongoing situation regarding installation of an upgraded electricity metre at the Town Hall now restoration is near completion; this was proving complex and lengthy (SBC assisting). It is unknown what the charge will be for the upgrade so dispensation was proposed for the Clerk to progress this (achieving best value & soonest possible completion) and simply notify Council of the cost.

**PROPOSED: Cllr Addison                      SECONDED: Cllr Coulson                      AGREED**

**8. To discuss and vote upon proposal to make a donation to ABF Soldiers' Charity Concert**

**Cllr Monck** proposed a donation of £500 to the ABF Soldiers Charity towards the costs of staging their fundraising concert, which was agreed.

**PROPOSED:** Cllr Monck

**SECONDED:** Cllr Addison

**AGREED**

**9. Potential Breaches in the Code of Conduct - Vote of No Confidence** - A recorded vote was requested for the voting.

**Cllr Monck (Chair)** stated to members of the public that there was not a public session on the agenda but that if a member of the public wished to speak they should raise their hand and he would decide whether or not to allow that person to speak.

**(This matter was raised by Cllr Monck, Cllr Coulson, Cllr Moffitt, Cllr Carter; Clerk's note on this item refers - in brief, this confirms that a vote of no confidence has no legal standing / effect).**

**Cllr Monck** stated that **Cllrs Smailes, RWegg and BWegg** had breached Standing Orders by sanctioning a press release (and supporting a third party to also do this) for the Town Council and that the content of the release brought the council into disrepute, represented bullying and intimidation of the Clerk and failed in terms of an agenda for civility, respect, equality and with reference to the Nolan Principles that guide public life. In addition, no permission had been sought for the use of the photo. Cllr. Monck felt that the 3 Councillors had misled and let down the Council and breached the Code of Conduct, that there was no excuse for the defamatory remarks (made in the press release), supporting a third party to also be involved in this and that this represented a continuation of bullying. Cllr Monck briefed the meeting as to his understanding of the penalties for Misconduct in Public Office (e.g. in relation to harassment) and stated that the 3 Councillors had lost respect and invited them to resign, specifically asking Cllr Smailes to stand down as Vice Chair.

**The Chair** invited comments from other Councillors. **Cllrs Carter, Coulson and Addison** raised the following issues: the behaviour represented bullying; previous leaking of confidential information ; information had been issued previously on behalf of the council without authority; this was thought to be some of the worst behaviour in YTC over many years; it appears that 3 Councillors feel that the rules don't apply to them; at any time, issues can be raised through proper due process; personal vendettas have to end - the interests of Yarm residents being paramount; the defamatory words used in the press statement to describe the Clerk might more accurately describe the action of issuing the press release; that the Clerk had always been as helpful as possible to people and that her statement of the event in question was supported (ref. Cllr Addison, having been present).

The Chair (Cllr Monck) asked if any of the 3 Councillors involved wished to respond. Cllr Smailes stated that: the Chair had been to see YTC's solicitors regarding an issue but had not shared the advice with other councillors; in her view the Clerk did not need to be present when the members of the public came to view the accounts (just a councillor) and a risk assessment should have been carried out; she had not issued/written the press release but had been told to look at her emails; she had then seen the release, stating it was from her as Vice Chair and was asked if she was happy for the statement to be issued which she agreed she was.

**Further discussion included:** that an additional person had attended with the resident on the day and that his very description of himself (in the press release) could easily have been intimidating (i.e. if the security presence hadn't been there / the Clerk had been alone); even though Cllr Smailes (and Cllrs Wegg) had been informed that the press release was going out with their names on, they did nothing to disassociate from it or clarify that they had not written it, nor suppress the information once they knew it was in the public domain - Cllr RWegg stated that this did not make a difference as he hadn't written it and neither he nor his wife had spoken to the press. Cllr B Wegg stated that she did not speak to the gentleman concerned or know who he was. Further discussion suggested that the 3 Councillors had clear responsibility to dissociate and suppress the information as soon as they had seen it issued in their name (and then in the public domain) and that 'no denial means support'. It was noted that the press release in question had been circulated to all councillors

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within 48hrs of the event it related to (i.e. the viewing of the accounts) and suggested that there had therefore been weeks/plenty of opportunity for those named to disassociate/act appropriately.

**Cllr Monck** invited individual members of the public to speak who had raised their hands - comments included: thanks to the majority of councillors for all they do for Yarm and that the recent incident would likely be the subject of extensive public complaint; that due to a witnessed record of past aggressive behaviour/intimidation felt within YTC, the Clerk was right to ensure safety; that responsibility as an employer needed to be remembered (and that a councillor in question seemed to show little concern for this); an incident of intimidation/threatening behaviour towards the Clerk had been witnessed by a member of the public who was highly concerned about the behaviour she witnessed - security was therefore essential and SIA security are professional not threatening.

**A vote of no confidence in Cllr Smailes as Vice Chair and as a Councillor was proposed by Cllr Monck.**

- PROPOSED:** Cllr Monck                      **SECONDED:** Cllr Coulson      **The motion was AGREED.**
- AGREED:** Cllr Monck, Cllr Coulson, Cllr Blair, Cllr Moffitt, Cllr Carter, Cllr Pybus, Cllr Hardy, Cllr Addison
- AGAINST:** Cllr BWegg, Cllr RWegg.

**A vote of no confidence in Cllr BWegg was proposed by Cllr Monck**

- PROPOSED:** Cllr Monck                      **SECONDED:** Cllr Carter      **The motion was AGREED.**
- AGREED:** Cllr Monck, Cllr Coulson, Cllr Blair, Cllr Moffitt, Cllr Carter, Cllr Addison
- AGAINST:** Cllr RWegg, Cllr Smailes.
- ABSTAINED:** Cllr Hardy, Cllr Pybus.

**A vote of no confidence in Cllr RWegg was proposed by Cllr Monck**

- PROPOSED:** Cllr Monck                      **SECONDED:** Cllr Coulson      **The motion was AGREED.**
- AGREED:** Cllr Monck, Cllr Coulson, Cllr Blair, Cllr Moffitt, Cllr Carter, Cllr Addison.
- AGAINST:** Cllr BWegg, Cllr Smailes.
- ABSTAINED:** Cllr Hardy, Cllr Pybus

**Cllr Monck** asked Cllr Smailes and Cllrs Wegg whether, having had time to consider, they wished to resign (and step down as Vice Chair - in the instance of Cllr Smailes). None did.

**Cllr Carter** addressed the 3 new councillors on YTC stating that they must vote as they feel is correct and if they experienced any intimidation or like behaviour outside of the meeting, they should notify colleagues immediately and that they had his/other councillors full support (agreement was expressed for this).

**Cllr Monck** reiterated that he was looking into Misconduct in Public Office (which can carry a jail sentence) and that Cllr Smailes and Cllrs Wegg should consider their position having lost the confidence of fellow councillors and members of the

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18 stone rugby player”) could have felt intimidated; examples of occurrences were given as to why a security presence was justified.

The Clerk gave her statement of events and the timeline, to conclude, given a) some members of the public might not understand what the Exercise of Public Rights was about (i.e. the viewing of accounts) and b) given that the 3 councillors had not seen it/had time to read it. The Clerk confirmed the following:

- a) The Exercise of Public Rights is the 30 day period in which anyone can view the council’s accounts for the year just gone (currently being audited) i.e. ‘22/’23 in this instance;
- b) The Exercise is specified as to what is available and governed by guidance from the National Audit Office e.g. the information to be viewed this year would relate to the accounts for the year ‘22/’23 specifically;
- c) The Clerk stated that everyone is welcome to inspect the accounts during this period and that she fully respects the transparency agenda in local government (having worked in the public sector for 30+years);
- d) All the accounts were laid out for the appointment in question including additional print outs of all payments and receipts (copies of which could have been taken away by the resident and his accompanying friend); the Clerk had understood that the residents attending understood the parameters of the Exercise of Public Rights due to the previous professions/knowledge they had informed the Clerk of;
- e) The Clerk had been advised to have a security presence (SIA trained - the professional body); 1 person had been requested; on the morning of the event the company decided and advised that they were sending 2 people; both SIA security remained outside the office, at a distance with only one visible from the office;
- f) Files were laid out for the inspection at the end of a table along with a further table that held the files to be viewed; apology was made re. the temporary conditions, given the current refurbishment of the Town Hall;
- g) The Clerk asked the resident and friend what they would like to see; the list included (e.g.) rent for the temporary office, payment to her for work on the Town Hall development, some payment for items relating to an EGM in 2023-2024;
- h) The Clerk confirmed that rent for the temporary office was in the file and she would locate this and other payments requested along with her payment (the resident having already had this information, relating to work in ‘22-’23 but being paid in the accounting yr. ‘23-’24).
- i) The resident requested that the Clerk research for him what the items were that he wanted to see that related to an EGM in ‘23-’24 and was told that she couldn’t spend time working out which items he was referring to and that he may like to clarify after the meeting - she would then find the information (even though it related to ‘23-’24);
- j) The resident then instructed the Clerk to give him access to the council computer so that he could research the matter; the Clerk declined;
- k) The resident then instructed the Clerk & Cllr Addison to leave the office so that the resident and his friend could have a private conversation; the Clerk declined and suggested the resident and his friend could step outside (given the presence of council files, equipment etc. that the Clerk is responsible for);
- l) At one point the resident asked who the security were and the Clerk attempted to explain (but was ignored) and found the resident had a phone camera pointed at her - she stated this was intimidating and requested photos should not be taken;
- m) At one point Cllr Addison mistakenly told the resident to not touch a file the Clerk had just shown the resident (for which Cllr Addison immediately apologised when realising his error); the resident then claimed that he’d been prevented from viewing the accounts and left;
- n) A note was then sent to the resident stating that YTC would welcome accommodating him to return to complete his viewing of the accounts, providing comprehensive information as before but asking him to note that information

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provided relates to '22-'23 accounts; use of the Council computer cannot be given; the Clerk cannot be expected to look through minutes for him in search of something he cannot specify or recall (our minutes are on the website); the session is not for him to question the Clerk regarding a range of matters; it is not acceptable for him to point a phone directly at the Clerk and take pictures of her; YTC takes worker safety seriously.

**CLlr Addison** confirmed this statement of events. A member of the public noted that the opportunity to view the accounts had been publicised on social media and asked how many residents had asked to view the accounts - the Clerk confirmed just the two referred to here but emphasised that, if Councillors were in agreement, she would welcome anyone further who wished to view the '22-'23 accounts (despite the Exercise of Public Rights period now having ended). Via the Chair, a member of the public stated that she would expect councillors, as in any job, to set aside time to read their emails; a question was put as regards how the 3 councillors concerned defended/justified their actions re. the press release.

**The Chair** reiterated his opening statement as regards this matter and it was suggested that the 3 councillors concerned should consider their position over the next 48 hours and he would consider next steps.

The Chair thanked councillors and members of the public for their attendance and attention. The meeting closed at 8.10pm.

**10. To confirm the date and time of the next YTC meeting:**

**7pm, 12th September 2023**

The Public Bodies (Admission to Meetings) Act 1960 Sec 1 (2) - A body may, by resolution, exclude the public from a meeting (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings; and where such a resolution is passed, this Act shall not require the meeting to be open to the public during proceedings to which the resolution applies.