

ATHERSTONE TOWN COUNCIL MINUTES

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DOCUMENT	MINUTES OF THE EXTRORDINARY TOWN COUNCIL MEETING
VENUE	The Board Room, Civic Suite, NWBC, South St, Atherstone, CV9 1DE
DATE AND TIME	Wednesday 12th June 2019 7pm
IN ATTENDANCE	Town Councillors: Wright, L Dirveiks, D Clews, Driver, Chambers, Gurney, T Clews. Public: K Eaton, G Eaton, C Brown, A Brown.
APOLOGIES	Councillors: Bishop, Spencer, Jordan, Allan-Stubbs, Henney, Jarvis, T Clews (for lateness due to Cllr Training), and Singh.
CHAIRMAN	Cllr Wright
CLERK	Odette Ghent (Sally Oldham also in attendance)

Item		Actions	Min ref
1.	<p>APOLOGIES</p> <p>It was resolved to accept the apologies. Proposed Cllr Gurney seconded Cllr Driver</p>		
2.	<p>PUBLIC SESSION</p> <p>G Eaton asked if an additional pot could be put onto the grave of his late parents, E47.</p> <p>The Chairman responded that the grave in question was being considered later in the meeting in private and confidential and once that enquiry had been concluded the family would be updated.</p> <p>The family present asked who the owners were and the clerk confirmed the two names on the deed. It was also confirmed that an email had been received which the Council would consider later regarding the ownership and any challenge there may be.</p> <p>The family present asked the Council if they could place flowers on the grave for Father's Day and whether the whole situation would be sorted tonight.</p> <p>Through the Clerk the Chairman confirmed that the Council position is not to get involved in a family dispute regarding the placing of flowers.</p> <p>P13/06/19</p>		

	<p>The Clerk reported that before any statement can be made by the Town Council they need to discuss further and this EGM meeting has been called specifically to do so.</p> <p>The four members of the public present left the meeting.</p>		
3.	<p>DECLARATIONS OF INTEREST AND DISPENSATIONS FOR DECLARATIONS OF PECUNIARY INTERESTS. DECLARATIONS OF GIFTS AND HOSPITALITY.</p> <p>It was agreed that these would be taken as and when.</p>		
	<p>PRIVATE AND CONFIDENTIAL</p> <p>Atherstone Town Council recognises that the reasons for exemptions as laid out under section 100A of the Local Government Act 1972 apply to principal councils only but are making use of them as good practice guidance and in accordance with their Standing Orders. It was resolved that, under Section 100A of the local Government Act 1972, in view of the confidential nature of the business about to be transacted</p> <p>Advice received, information obtained or action to be taken in connection with any legal proceedings involving the Council</p> <p>it is advisable in the public interest, as if members of the public were present during the consideration of such business, there would be disclosure to them of exempt information under paragraph 5 of Part 1 of Schedule 12A of the said Act, that the public be temporarily excluded and they are instructed to withdraw.</p> <p>Proposed Cllr D Clews seconded Cllr Chambers</p>		
4.	<p>1. ATHERSTONE CEMETERY GRAVE OWNERSHIP E47 – Correspondence received 02.06.19.</p> <p>Cllr T Clews joined the meeting at 7.30pm.</p> <p>It was resolved to seek initial external independent legal advice from a solicitor experienced in litigation work outside the local area. The Clerk to arrange a preliminary meeting with the solicitor at the earliest opportunity.</p> <p>It was further resolved to write to Graham Eaton and Carol Brown informing them that further to the correspondence received the Town Council are now seeking initial external</p> <p>P14/06/19</p>		

	<p>independent legal advice to clarify the position regarding the ownership of Grave E47. In order to treat all family members the same the owners of the grave are to be informed of the ownership challenge.</p> <p>Proposed Cllr Wright seconded Cllr Clews</p>		
<p>5.</p>	<p>1. APPEAL TO FREEDOM OF INFORMATION REFUSAL Ref FS50784881 issued 31.05.2019.</p> <p>It was resolved to respond that following a review the refusal notice Ref FS50784881 is upheld for the reasons and exemptions previously stated with the additional clarification and exemption regarding Section 100A of LGA1972 regarding private and confidential. (see below) Proposed Cllr Wright seconded Cllr T Clews</p> <p><i>The review concludes for additional clarity that the “report” was received in a confidential session, resolved as such by the Town Council, under Section 100A subsection (4) of the local Government Act 1972 namely:</i></p> <p><i>“A principal authority may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business about to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I Sch 12a Access to Information”</i></p> <p><i>In this case the exempt Information Sch 12a Part 1 (5) being advice received, information obtained or action in connection with any legal proceedings involving the Council.</i></p> <p><i>“It is advisable in the public interest as if members of the public were present during the consideration of such business, there would be disclosure to them of exempt information under paragraph 5 of Part 1 of Schedule 12A of the said Act, that the public be temporarily excluded and they are instructed to withdraw”.</i></p>		

SignedChairman of Atherstone Town Council

P15/06/19