

# Hope Community Council

## Minutes of the Extraordinary (Virtual) Meeting held on Thursday 13<sup>th</sup> April 2023

**Present:** Councillors Mrs C Cunnah (Chairman), Mr D Roberts (Vice Chairman), Mrs L Davies, Mrs M Williams, Mr M Taylor, Mrs J Arnold, Mr J Mead, Mrs C Sheibani, Mr A Parsonage and Mrs J Tilston

**Also Present** Mrs S Hughes Clerk and Responsible Financial Officer  
1x Member of the Public

### 361. Apologies for Absence

Apologies were received from Cllrs Mrs E Oldham, Mrs T Bowgett and Mr N Jones.

### 362. Declarations of Interest

There were no Declarations of Interest received.

### 363. Visitors- FCC Streetlighting Representative

The Chair reported that as FCC are undertaking an internal investigation and therefore FCC consider that it was inappropriate for Mr Bennett to attend the meeting.

The Clerk reported that she had received the following:

- 2 x formal complaints via email (same resident)
- 1 x telephone call from a resident requesting that the kiosk be reinstated; utilised as a defib station or noticeboard; or used within a school, similar to other communities
- 1 x email from Cty Cllr D Healey expressing concern of the removal of the kiosk

### 364. Telephone Kiosk, Abermorddu

The purpose of this meeting and the agenda item was due to the removal of the kiosk, the unauthorised attempt to sell the kiosk and the unexpected condition of the kiosk.

i. The Chairman provided a report:

The kiosk was bought for £1 by the Community Council in 2015, even though the decision to buy it was not unanimous at the time, there was a majority decision. HCC did not consult the community on its purchase and indeed very little interest from the community has been shown since its purchase. To her knowledge no member of the public living in Hope Caergwrle or Abermorddu has written to HCC to request refurbishment or repurposing of the kiosk, pre the decision to dispose of it.

HCC did on one occasion in mid 2016 speak to Cadwyn Clwyd about a possible use of the kiosk as a defib station but no action was taken, owing to strict criteria and associated costs. It was then proposed to dispose of the kiosk but a councillor at the time offered to look at fundraising options for the refurb but this never materialised. In June 2017 the same councillor presented a quote to the council to paint the kiosk and this was agreed as an interim measure.

Just as consultation was not sought on its purchase, no consultation was sought for its removal.

Over the years the kiosk has been repaired but there has always been issues with youths playing around there and using it as a urinal.

Based on evidence that the kiosk and its power supply were a danger to the public, the council unanimously agreed to dispose of the kiosk. It was in a state of disrepair and it was too costly to make good and indeed did little to enhance the aesthetics of the area. The Council were transparent in its decision making and everything was minuted and open to public scrutiny. (The kiosk was initially an agenda item in September 2022 and indeed was also mentioned in subsequent meetings).

As the kiosk stood on a public footpath whose landowner is Flintshire County Council, in close proximity to a busy main road and near to a Chinese takeaway it was unanimously agreed to get a quote from FCC to remove and dispose of the kiosk and repair any damage to the pavement. No private contractors were contacted for a quote as HCC were extremely concerned about making the electricity supply safe as quickly as possible. Time was of the essence to ensure safety and as mentioned above

FCC as the landowner was best placed to remove the kiosk. The cost to remove the kiosk was £550 and it was a unanimous decision to accept it. HCC acted within the law and the only requirement is that the clerk should strive to get 3 quotes.

Since the removal of the kiosk, there has been some activity on the Yr Hob, Caergwrle, Abermorddu and Cefn y Bedd fb page. A few people are upset by the removal, others have made 'telephone' jokes, and some people have made misleading and untrue comments. The council did not decide to remove the Kiosk because of complaints by nearby residents. Criticism of the rise in HCC council precept was also mentioned and indeed the council discussed this rise at length at a meeting, carefully considering the impact on the community and it was decided that rather than increasing the precept in line with inflation 10.1% that we would reduce it by 2.1%. Any rise in the current climate is not taken lightly and a key reason for our decision was the expected astronomical rise in electricity costs associated with street lighting.

HCC has acted in the best interests of the community. Costs to continually repair the kiosk and possible future refurbishment would become untenable.

The council has been transparent in its handling of the disposal of the kiosk.

Before discussing the disposal of the kiosk reference to the following is necessary:

- Letter from C. Cunnah (Chair of HCC) to FCC Chief Executive regarding her concerns about the unauthorised advertisement for sale on ebay of the kiosk (copy provided to all members via email). She wished to highlight within the letter the statement of *'HCC was advised that the kiosk would not withstand a relocation when removed from the site and relocation to another site would therefore not be possible. We received no feedback on the condition of the kiosk once it had been removed'*.
- Letter of complaint received about HCC and FCC from a member of the community (copy provided to all members via email, complainant name redacted). Within the letter and with reference to HCC, the Chair highlight a couple of points made by the complainant, but as this is a formal complaint, it will not be discussed any further at this time. A formal response will be provided to the complainant in accordance with the Complaints Policy:
  - that HCC had not acted in accordance with their remit in disposing of an asset without good reason
  - that HCC had not gauged the community need to provide an alternative use for the asset and failed to consider all obvious options.
  - that HCC acted erroneously beyond their powers and spent public funds as well as disposing of a community asset at the cost of the public

The Chair then asked the Clerk to provide a timeline report of events:

5th April 2023

- The Clerk received a telephone call from a resident on 5<sup>th</sup> April and during the conversation, the resident mentioned the fact that the kiosk was being sold on Ebay.
- As FCC had been the appointed contractor to remove the kiosk, the Clerk phoned FCC immediately
- The kiosk was taken down for sale from Ebay. It was NOT sold and FCC are housing the kiosk temporarily.
- This was an act from an individual and was not at the knowledge of FCC. They are now undertaking an internal investigation and will discipline accordingly.
- This was verbally reported at the council meeting held on 5<sup>th</sup> April and an Extraordinary meeting was called for 13<sup>th</sup> April. Time was of the essence as FCC had only agreed to hold the kiosk for a very short period.
- As it was evident that the kiosk remains in one piece after the removal, the council now needed to consider options, other than disposal. FCC have emphasised that they hold no responsibility/liability to the structural integrity to the kiosk due to force that will have been used during removal.

6<sup>th</sup> April 2023

- The Extraordinary Meeting agenda was issued the morning of 6<sup>th</sup> April.
- A formal complaint was received the afternoon of 6<sup>th</sup> April.

The Chair went on to say that since preparing the report for the meeting, the council has received 4 other communications.

- A letter from Neal Cockerton (FCC Chief Executive) in response to the letter of complaint from the Chair
- An email from Mark Tami, in response to the complainant and to request the council to reconsider using it for community use again
- An email from Cllr Healey thanking us for including him in our responses and expressing concern of the removal from himself and the public
- A second formal complaint, (from the same person who sent the first one) about HCC on its handling of the process of the removal of the kiosk

As this new information was only received on the afternoon of 13<sup>th</sup> April, the Chair wished to make the following statement:

I want to make it absolutely clear that the reasons the council had to remove the kiosk are valid and still stand and were in the best fiscal interests of all the residents within Hope Community Council.

However, before a decision on the disposal of the kiosk is finally made by the council, I believe it is only right that we consider the latest correspondence.

I wish to defer the meeting and this too will give time to the community to possibly come up with a business plan on how to fund the refurbishment, relocation and upkeep of the kiosk in the future.

At this moment in time the Council has agreed to dispose of the kiosk and the budget for 2023-2024 has been set.

Therefore, I am proposing that we defer the Agenda item 4ii and 4iii for a future date in order for the council to digest and respond to the new information before final decisions on disposal are made.

We will write to Neal Cockerton to request FCC keep the kiosk on the Council's site, until further notice.

**RESOLVED:** the above reports were received and noted. Given the additional information received after the issue of the agenda, the council unanimously agreed to defer 4'ii & 4iii (listed below) and any decisions until a future date.

The Council will write to Neal Cockerton to request that FCC store the kiosk on the Council's site, until further notice to allow necessary time for the matter to be considered.

The council will respond formally to the 2x complaints received.

### **Agenda items Deferred**

- 4ii The council will consider options for the kiosk to either be relocated (sold, adopted or gifted) or disposed.
- a. From when the council first reported that the kiosk was to be disposed, a local resident has expressed a strong desire to save the kiosk and have it relocated to his property to ensure its preservation for the community.
- 4iii Should the council approve sale, adoption or gifting, the council will consider what, if any, conditions are to be applied.

The meeting of the Council began at 6.30pm and ended at 6.51pm

Chairman: ..... 3<sup>rd</sup> May 2023