

WCBC Executive Board Meeting - Tuesday 10th May 2016

Agenda Item 4 - Confirmation of minutes

Chair - Councillor Mark Pritchard (MP) to Councillor Malcolm King (MK)

MP: Confirmation of minutes, page five to page twelve. We'll go through them <sighs>. Malcolm did you indicate?

MK: I did indeed Chair.

MP: Thank you. <pause> Malcolm can I just ask what you're indicating for? Declarations of interest are on the minutes.

MK: Yes page five - <unable to hear MK clearly>

MP: OK, OK, thank you. Do you want to come to the table?

<Cllr King speaks but inaudible>

MP: No page five is the first page. We'll go through that one and then you can bring it up and I'll go through the other pages as we go along. Thank you Malcolm, on page five.

MK: Thank you yes, on page five. I'm questioning the accuracy of the minutes in particular, and I'm aware that the, that the Chief Legal Officer often refers to the fact that we have a web-cam and that provides the detail behind this, but in particular the second bullet point appears to be unhelpfully ? by, um, I don't really understand what the purpose of that second one is.

We obviously know that the site can only be used for educational purposes, that the point was raised was whether or not it could be used for primary school purposes and on the evidence that is available. It can't as things stand, and therefore that minute is highly misleading, and one wonders whether it was intending to be misleading or just a, or just sits there meaning little. And the other one is the issue about, on the first bullet point, where it suggests that the process was carrying on, and officers were involved in that, and it seems to be trying to confirm the position that you put out at the meeting that the officers were involved in that process.

Clearly the evidence from both of those issues doesn't support those two contentions. The evidence shows that members were involved in that decision making and indeed the emails confirm that, and also..

MP: Can I just cut across you? We are looking at the minutes here, from page five?

MK: Yes and I've explained why I believe they are inaccurate minutes.

<MP talks across MK>

MP: You are challenging the inaccuracy of the minutes on bullet point two?

MK: One and two.

MP: One and two. OK thank you Malcolm. Thank you for that. Can I say, Malcolm, can you turn your mike off please?

MK: Yes, if I can finish the point

<MP talks over MK again>: If its on, certainly but I don't want you sitting there for half an hour

MK: Well I'm not intending to be here for half an hour, and I think that's very rude actually. I'm not going to be here obviously for half an hour, but I do want to finish the point. The point I'm making is the evidence clearly does not support some of the contentions that have been made, and there clearly does need to be a change in the covenant for there to be a primary school there.

<MP talks over MK again>: Can you please, Malcolm, could you please show the Chair some respect. We are here moving that the minutes are a correct record from page five to seven. You have challenged the minutes which you're quite right to do. On bullet points one and two, is there any other minutes here that your not happy with?

MK: No just the two issues, and I'm.. *<MP talks over MK>*

MK: and I'm attempting to explain why, but you keep interrupting me, why I believe those minutes are inaccurate, and I believe you have got a vested interest in interrupting me because quite frankly from the information you gave, appears on the face of it, to be misleading and ... *<MP speaks over MK>*

MP: Can I ask you to stop here? I would like you to turn your mike off and I would like to call for a point of order on this and I'm gonna bring in the officers, but I will come back to the minutes because I think what you're actually saying here is wrong and incorrect. We are now on item agenda confirming the minutes as a true and correct record. Can we stick to that? Is there anything else you wanted to discuss that, or I will ask you to go back and sit down, and that's where we are. Is it bullet point one and two?

MK: It is yes.

MP: Thank you. Now I, what I will say, I will come back to that. Do you want to turn your mike off? Thank you Malcolm. I believe that the minutes are a true and correct record, from page five to seven. If any member of the Executive Board wants to come in I'm more than happy to allow them, but I believe they are, and I've gone through the minutes and I'm happy with them. I will now ask Trevor Coxon to come in to confirm that they are a true and correct record on page five bullet points one and two. Trevor Thank you.

Legal Officer Trevor Coxon (TC):

TC: Thank you Leader. Yes I'll just confirm what I think Councillor King said to begin with. That the minutes are not a verbatim record of what took place at the meeting and the minutes are intended to be a summary so that the casual reader, after the event, when perhaps the web-cast is no longer in existence, although that won't be for a

number of years, will be able to understand what the basis of the discussion was, and more importantly what the decisions were that were taken.

Now in relation to bullet point number two, and I think I'm hearing that Councillor King thinks it doesn't go far enough? My understanding was that on the day there was discussion about the use of the site for non educational purposes, but if you want to go further than that, if you have a suggested form of words that you can put to the Executive Board, and they can consider whether or not they believe your version is a more accurate record, and similarly with the first one. Do you have any form of words for bullet point number one as well, that would, that you believe, would more accurately reflect of what was said? Thank you.

MK: Well again, but I could come up with ? in five minutes

<TC talks over MK>

TC: ? the minutes here, so if you've got an alternative version that you believe is more accurate than that which is printed, then it is only polite to come up with what that version is. Thank you.

MP: Thank you Trevor. Malcolm can you turn your mike off? Other members want to come in.

MK: Well I'll, whilst I turn it off I'll come up with an alternative

MP: Thank you Malcolm. Councillor Dutton?

Cllr Bob Dutton (BD):

BD: Yes that was going to be exactly my point. The Legal Officers' given the opportunity to Councillor King to respond on this matter. If he wishes an alternative form of words to be presented before the board, and we as members of the board will consider that, in fairness to Councillor King.

MP: Thank you Bob. Anybody else at all? OK thank you. Malcolm have you got some word in there that you think you should be incorporated within that bullet point, I'm trying to be fair here to yourself.

MK: Well yes. I think probably this concoction of words was gone over rather more time than you've allowed me here, but on the second bullet point I would, I think, its a more accurate reflection to say; "Members express concern that the covenant did not allow the building of the establishment of primary education on the site, although two Lead Members insisted that it did allow for it, and had taken legal, and had taken legal advice from officers on that basis." That's what I would suggest for the second bullet point, and on the first one, "members" adding in, however, at the end, however "members said that the evidence, emails from senior officers, indicated that the Lead Member had been involved at an early stage in attempting to stop the sale of the site to Cambria."

MP: Thank you.. Can I ask Trevor? Did you get all that Trevor? Trevor?

TC: I'm afraid not. No I didn't. That's extremely lengthy, I'm, it, (sighs). On bullet point two the issue could be dealt with simply by, by, I would have suggested, if that is your view that confirmation, the covenants stipulate, the covenants stipulate that the site could not be used for education, for primary educational purposes, it would cover the issue.

<someone off camera speaks to Trevor Coxon>

TC: Confirmation that the covenants stipulated, stipulated, the site could not be used for primary educational purposes. The detailed discussion ensued and following points were raised, seeking confirmation that the covenants stipulated that the site could not be used for educ?, for primary educational purposes. Its putting in "primary" before "educational purposes" basically.

MK: That's not what we said *<TC talks across MK>*

TC: Its your words and the board have to vote on it? So if you express your words and they can?

MP: OK Malcolm. Can I thank you for coming and challenging the minutes on page five, bullet point one and two and I'll ask any other member of the Executive Board if they want to speak on that and then I'll move on. I believe that a true and correct record, I have no problem with them at all. If you want to really look at it, what was said and what was debated, there is a web-cam which I'm delighted with now, that you can go back and have a look at it, so for me there's no issues here at all. Councillor

<MK talks across MP>

MK: Well that's why these minutes should be a true reflection of what happened rather than an inaccurate one.

MP: Thank you Malcolm. Councillor David Bithell, then Councillor Dutton, and then we will move to page six.

Cllr David Bithell (DB):

DB: Just a point of order really. We are approving the minutes of the Executive Board held on the 12th of April, and I'm just conscious of the fact that we are entering into a debate now on the minutes, unless there's any specific points on any accuracy of the minutes, I was just going to move the minutes as a correct record of that meeting undertook on the 12th of April, and I therefore move them Chair.

MP: Thank you David. Can I say David, I appreciate that and I do, and I understand your concerns but I'm trying to be fair here to everybody and I'd like to move on a page at a time. I think that would be more appropriate. We'll quickly get through them and I think we should go from one page, from page five to seven, to be fair to everybody. Councillor Dutton.

BD: Thank you very much Chair. Well on the point of procedure, I fully support what Councillor Bithell has said, and quite frankly, we've had the opportunity from Councillor King, to hear what he said. I believe this is the correct record, the

limitations of the record, as shown in the minutes are determined and shown by the Legal Officer so as far as I'm concerned. I'm happy with that minute as it stands and I will support Councillor Bithell.

MP: Thank you. Dana you indicated. No? Can I just ask you, is it on the minutes and is it on page five? OK fine, and can I ask, is it a question? A straight question and we'll give you an answer please? Thank you.

Cllr Dana Davies (DD):

DD: It is Chair. It's regarding the clarification that we sought, and we had an undertaking from yourself Chair, that we would get additional information and I think that's not reflected in the bullet points, so it was just clarification sought, regarding the covenant, with regards to whether the site could be used for primary or secondary education, and you gave us an undertaking that we would have additional information on that. I understand officers have been very busy with the election. I appreciate, you know, the timescale, but if we can have that updated in the minutes and the information sent out to us as soon as possible please.

MP: Thank you Dana. Can I say, I'll come back to page five bullet point one and two. I agree with everything you said, I wouldn't disagree with that and information will come to you, but I don't think there's a reason to put it in the minutes. I think its there, I'm happy with the minutes. All we're doing is confirming the minutes here. As my fellow Councillors have told me this morning so, yes, thank you.

DD: No thats fine. OK then. Thank you.

MP: Thank you Dana. Could I ask Councillor David Kelly to come back in. He left because he had declared an interest in the past on the Groves, and the minutes were part of

<Cllr Michael Williams asks to speak>

MP: David, you'll have to leave. You'll have to go back. Yes, thank you David. Michael.

Cllr Michael Williams (MW):

MW: I have to admit not to be an expert on covenants, but I would guess like lots of other things, that these covenants were established in the 1930's when the land was first acquired for such buildings, and covenants are a product of the time and education today is distinctly different from education of the 1930's. In terms of the kind of education that was offered which, very often concentrated on grammar schools, there were no such things as secondary modern schools at that time. Grammar schools and elementary schools were suggested for a long period of time. So we have to consider very carefully what that covenant would represent today and my feeling is that when we talk about covenants for educational purposes, it would not only include the secondary education, but I think as well, that we would have a good case to suggest that that covenant as well, could be used for the establishment of primary schools on that site as well, without a great deal of a problem.

We might have to go get legal representation on it, but at the end of the day I don't see that there would be any difficulty at all in establishing two primary schools on that site, and it bemuses me that the Labour group is fighting to maintain the Groves at the same time jeopardising the chances of children in the town centre to receive education where they live.

Now the impression I get from the discussion that has taken place so far, is that what Labour is prepared to do, is to sacrifice children's desire and parents desire, to have an additional school in Wrexham, to cater for the needs that we know will exist over the next eight years. We're managing to cope with that at the minute by extending the capacity of Alexandra school , but if we carry on along this route, I can visualise the situation where eventually we're going to have children having to travel out of the town centre of Wrexham for their education, and we're not absolutely certain where this ends. Thank you for that, to be honest. Thank you Chair.

MP: No, thank you. I'm gonna ask Trevor to come back in, briefly if he could on the covenants and then we will move on to page six. Trevor.

TC: Just to confirm I'm happy to prepare a note to go out to members. I did prepare a note to send out, I must have got the wrong note. I was asked to send a note out in relation to what the formal, the formal answer was, which I think every member got a copy of. So yes I'm happy to prepare a note, a briefing note, with regard to the covenants. It will come out to all members.

MP: Thank you Trevor. We will now move on to item, sorry, to page six.