

# SHANKLIN TOWN COUNCIL

Minutes of an Extraordinary Meeting of the Town Council held at Falcon Cross Hall, Shanklin, Isle of Wight on Friday 13<sup>th</sup> August 2021 at 18.30. Called by Cllrs': R. May, S. Parkes, M. Hailston, A. Whittaker & P. Barry.

**PRESENT:** Town Mayor Councillor C. Quirk (in the Chair)  
Deputy Town Mayor Cllr. S. Godden

Councillors: M. Beston, A. Whittaker, L. Fleming, P. Barry, D. Larner, R. May  
R. Lansdell, S. Knight, D.G. Williams, M. Hailston, S. Parkes, W. Hilton-How. Town Clerk RFO. No members of the public. County Press.

## **PUBLIC FORUM**

Points raised: None.

### **1. APOLOGIES FOR ABSENCE**

Councillor D. Cable.

### **2. DECLARATIONS OF INTEREST & DISPENSATIONS**

**2.1 DECLARATIONS OF INTEREST** – Members were invited to declare any interest, including the nature & extent of such interests, that they may have in any items to be considered at the meeting. (If the interest was pecuniary, members should have left the meeting at the appropriate time). Members' to declare by voicing and/or completing the form distributed at the meeting emailing the Town Clerk RFO before the meeting.

**2.2 DISPENSATIONS TO RECEIVE WRITTEN REQUESTS FOR DISPENSATIONS FOR DISCLOSABLE PECUNIARY INTERESTS (if any)**

**2.3 TO GRANT REQUESTS FOR DISPENSATIONS AS APPROPRIATE**  
Councillors C. Quirk & M. Beston have dispensations to participate (speak & vote) granted to them until May 2025 (or until the next election if sooner) with regard to IW Council items, & Shanklin theatre & community trust.

**3. TO RESCIND THE DECISION MADE ON THE SHANKLIN CHINE BLUFF PUBLIC TOILETS & THE NEW BUILDING PROPOSAL WITH DANFO.**

**4. TO CONSIDER IF WE SHOULD PROCEED WITH THE PROJECT?**

5. **TO INSTEAD ADVERTISE THIS CONTRACT AND ENTER INTO A TENDERING PROCESS IN THE APPROVED MANNER AS PER OUR COUNCIL'S FINANCIAL REGULATIONS AND ESTABLISHED "BEST PRACTICE".**

**Wording of items 3 – 5 supplied by Cllrs: May, Parkes, Hailston, Whittaker & Barry.**

**CHAIR** = *The reason for the meeting tonight, an extraordinary meeting of the Town Council, requested on the belief that due process was not followed, the debate is about the due process not about the decision. I understand some people may feel quite strongly one way or the other on this, I would ask everyone to please go through the chair, don't argue across the room, if you have a point to make, make it through the chair and try to be civil at all times. The motion was presented by Cllr. Robert May. Robert, would you like to present your motion. The first motion because 2 and 3 may not be relevant.* **RM** = *To rescind the decision made on the Shanklin Chine Bluff public toilets and the building proposal with Danfo.* **CQ** = *Do you wish to expand upon that?* **RM** = *We've all received this paper, haven't we?* **TC** = *Of course.* **RM** = *We feel the decision was unlawful and improper according to the Town Council's Financial Regulations.* **CQ** = *Councillor S. Parkes seconded it; do you wish to speak as a seconder.* **SP** = *This is just the first item we are talking about? Basically, to rescind the decision made. Ok due process, there are 3, 4 of us are new Cllrs, it's not an excuse or reason, but it is a relevant fact because we look to senior and former Cllrs and former mayor and deputy chairman on this subject. We were given no background knowledge or paperwork until the meetings itself and the quote from Danfo presented to us by Mr Gilbey who was announced to us as a former Shanklin Town Councillor and former mayor, hard working person which I don't doubt. I for one am very supportive of the poor state or rather unsupportive of the public toilets and would want to see improved. So, the due process part, when we attended the Cllr. training with IWALC, the following Wednesday the second part my colleagues were there too Mike and Robin, we discovered that the due process was not strictly followed. We are spending public money, we have a responsibility therefore to involve the public possibly in the debate to look at the tendering process which is required, ideally, we were told 3 separate quotations/estimates. I prefer quotations so we know what its going to cost, not just one single company making a presentation to us on the night and then being asked to quickly vote yes or no. Obviously those of us including Cllr. May who voted yes, we don't deny we voted yes because we want to see improvements, but in hindsight and after the event, we were not presented with two or even 1 other quotation/estimate, just a presentation. I don't feel we had time to think about it, to discuss it, properly outside that meeting, it was a heavy agenda that evening, it was the last item on the agenda, the press was excluded, sorry public as well and we feel we should be involving the public not excluding them and it's a large sum of money £165000.00 plus VAT. I would personally in hindsight, I think Cllr. Whittaker agrees we would like to investigate the cost of refurbishing the existing toilets, we were told the reason they couldn't be*

refurbished was sewerage, slippage etc, but there maybe history with Cllrs and prior discussions before this session, but we were not partial to that if there were, whether the process was followed the year before I don't know, then of course I discovered afterwards what I didn't know, as much as I am in favour of this of purpose built toilet with showers, I am actually in favour of the principal but I never realised the cost. What I did not realise was that Mr Gilbey was a business representative on the Island of Danfo, for this company who have an office in Pembrokeshire in Wales, so he seems to be coming to that meeting not as a former Cllr. or mayor but purely as a representative of Danfo. **TC** = That is not true Jon was there as a Town Council employee. **SP** = and assistant to the Town Clerk RFO of course. **CQ** = lets just clarify the position with Mr Gilbey, he is a former Cllr, former mayor, he has a small role with Danfo, he is retained as an agent on the Island, so he can be their representative on the Island, but he is not a salesman for them, he receives no commission or bonuses relating to the work he does, anything he does is a retainer situation, there is no monetary gain for him in terms of whether we give this to Danfo or some other company. from that perspective he is not, he has always declared his involvement with Danfo, just clarifying that situation. **SP** = What we are saying Chris in training the Clerk of East Cowes IWALC training, went through a process of due diligence, we are supposed to follow for this type of thing, she was saying 3 separate quotations on a presentation evening, we should see all three, we should have an opportunity as Cllrs on behalf of the public to ask questions and to have time to consider the verdict, we felt slightly pressured and rushed to saying yes, and we only had one option on the table at the meeting, it wasn't emailed out prior and also the price there is no breakdown of options within options, you know I feel that if a building surveyor might see some proper surveys, quotation options, alternatives. I think the point being to vote yes or no, we voted yes on principle, we want to improve but we don't want to be held up over a barrel in the media and the public say hang on we don't know anything about this, why didn't you consult us, or have a public consultation to get the public's views. **CQ** = I think we have got the point. It's not about people, its about the process. Thank you for that I think we have got that. Steve, you wanted to speak. **SK** = I forgot what I was going to say its been so long. **CHAIR** = Sue. **SG** = Yes, I was going to ask Cllr. May who proposed rescinding the decision, can you be specific about where in the financial regulations you think we have not done something and Cllr. Parkes the decision has already been made – as to new Cllrs. not being involved in the process, the minutes are available to read. **CHAIR** = The principal in law is if the decision is made illegally, it can be rescinded, we cannot make an illegal decision, we have to revisit it, we as a group determined that it was a legal decision. There is a case to be discussed, I think you can argue it both ways, because the law has changed about the requirements. **TC** = We haven't heard from Cllr. May. **RM** = Can I just come back we worked on this as a group and looked at this, I'd like to pass it to Adrian. **TC** = You proposed it, its your proposal. **CHAIR** = Adrian is the next person on my list to speak. **TC** = Robert, so you are not going to speak on your proposal the one you made? **RM** = I am going to let Adrian speak. **CHAIR** = Adrian. **AW** = Ok, in the financial regulations staring on 17.1 which goes on to £5000 and

over, next one is £30,000 and over, it says in our current regulations I have checked this with Stella we are running on. **TC** = No, no. **AW** = I asked you, I phoned you up and asked are we running on 2018/19. **TC** = What did I say to you Adrian? **AW** = They were revised in 2019. **TC** = I said they were under review. **AW** = But we are still running on them. Council has standing orders and financial regulations, which are both documents in law, these are under review, we are still running by the rules. **TC** = We are running by the rules. **AW** = Mr Chairman can we. **CHAIR** = The financial regulations are the financial regulations until we change them. **AW** = Thank you. **CHAIR** = But the law has changed, so the law underpinning those financial regulations has changed. Good practice would have been for us to be aware of that at the meeting. **TC** = It would have made no difference to the decision. **CHAIR** = I beg to differ on that one. Good practice would be to make us aware that we are doing something that is under review. **TC** = I did say they were under review, and I said that about the standing orders. **CHAIR** = So that's the decision everyone has to listen and make. Councillor Whittaker. **AW** = So on our website we are running on 2018 which states anything over £30,000 its good practice to advertise on the Gov tender contract finder website, where we can get more quotes, so we are not reliant on a single quote, it also says in those regulations the council strives to gain alternative quote, we were told at the meeting by Mr Gilbey that Danfo are the only company that does those kinds of toilets, my colleague Cllr. Hailston has been working on other alternatives and there are several other companies, that do provide exactly the same toilet we could have got another 2 quotes or 3, if it had been put out and advertised, it's a lot of money. The second point is we was told there has been a survey done on these toilets on the existing **TC** = Who told you there was a survey done. **AW** = Yourself. **TC** = No I did not. **AW** = Then Mr Gilbey did. **TC** = No he did not. **AW** = He did he quoted it in the meeting "a survey has been done on the existing building". and was going to cost in excess of £250,000 to put right. **TC** = Not what was said. **AW** = I know the mayor has been chasing up the survey. **TC** = He did not say a survey had been done. **LF** = We have it recorded; we can check. **AW** = That's fine I believe that's what he said, that's another one. The survey was not done again, the survey wasn't done, also again it does say best practice, we had fifteen minutes of discussion on the 29<sup>th</sup>, it should have been given extra time, it's a lot of money, there was an argument we went over the 9 p.m. cut off point, a special motion wasn't put on the table to extend the time any Cllr could have done that, so therefore anything after 9p.m. could be argued it could be classed as null and void, any decision after 9 p.m. because no special motion was put in so was not followed. There was no vote to close the Chine Bluff toilets, it does not say anything about closing Chine Bluff toilets on the 29<sup>th</sup> July agenda, so basically according to that agenda we are going to have this, this is where Cllr. May comes into it, he contacted me afterwards and said we are keeping Chine Bluff why wasn't I for it, I said no Chine Bluff would close because of the existing work, so that was not clear, what you were voting for. The Council have not formally closed Chine Bluff toilets, there has been no decision made to close those toilets. **TC** = That isn't what we are talking about, or it shouldn't be. **AW** = This is all part of it. **TC** = No we are talking about the

due process not closing the toilets. **AW** = The due process was not Mr mayor; the due process was not. **TC** = We talked about closing Chine Bluff way back. **AW** = I don't remember in what meeting that was. **TC** = The same meeting in which we decided to only open half of Chine Bluff toilets for the summer. **CHAIR** = Through the chair. **TC** = Sorry Chris. **CHAIR** = Can we move on. **MH** = As one of the new Cllrs all this debate back and forwards picking out technicalities what or what wasn't done, for me the decision should be rescinded because there was not enough preparation and detail put into the presentation by Mr Gilbey. Being wise after the event, finding the financial regulations 2018 is my only knowledge of what the regulations are, it says in there if something is over £25000 it should be on the contract tender site, in those tenders you investigate with the RFO & Town Clerk same person in our case and look at those tenders for any specific requirements in the detail they would be answered as a council with the guidance of the clerk, we would pick the best. when you are spending in excess of £133,000 plus VAT just for the building you do have a responsibility, it says in the financial regulations to look for the best value, if you are only getting one quote how can you tell if that's the best value, you can't. Mr Gilbey said that particular toilet, Danfo are the only ones who make that toilet, it's one of their own models now I'm not saying no one could copy theirs, each company as in the case of a car or whatever, they all have their own models, there are other companies out there who make loads of toilets, Danfo are not the only company, they are the only ones using their model which has sold elsewhere on the Island, but they are not the only company, so I am uncomfortable that we only sought one quote and the guidelines say that we should go out to tender and on our own website so we are open and honest and the tender process is seen to be a fair one at the moment whether you want to look at Jon working as a representative of Danfo I've learnt this meeting that he is not going to financially gain, to me there was a conflict there, so we have someone from the Council from the mainland they've got to stay at my hotel sort of thing, so for me there was a conflict, but if you are happy there is not. **CHAIR** = It's a declared conflict, its not a pecuniary conflict, it doesn't mean there isn't a conflict but its not a pecuniary one, he has no financial benefit. **MH** = What it does say in the eyes of the public and all our constituents if your operations manager and assistant to the Clerk is the person who is saying this is the only quote worth considering, this is the only company who make this toilet, it doesn't look very good. Whether there is anything meant by that or its all done in innocence its immaterial, that's why it should be rescinded, because we should follow the process in the regulations and I do not feel we have. **AW** = Mr chairman on this one valid point, I went to the Lazy wave café and I spoke to the new owner Arthur and said to him has anyone spoke to you about putting new toilets in we were told the longshoremen and business had been spoken to, Arthur said no one spoke to him about any toilets., he would welcome toilets but he would like to work with us because the lazy wave café is not on main sewerage it's on a cesspit every time there is a extraordinary high tide he would be interested in working with the Town Council to go on the main sewerage. **SG** = That's nothing to do with it. **AW** = Lazy wave café, no one spoke to him, I would like to know who was

actually spoken to, longshoremen wise or whatever. **TC** = That is nothing to do with the due process. **AW** = We were told people were spoken to. **TC** = They were. Can we move on. **CQ** = Would anyone else like to speak. **SK** = Very briefly, we have worked hard with Danfo now for five years, we have three toilets here and three at Tower Cottage and they have done an excellent job, they currently have the cleaning contract, because they bid for it and certainly beat on quality and price the people who were doing it before and really the proof of the pudding is in the eating and quite honestly the toilets they have provided have done the job, the work that has been done has been excellent, I really don't think there is a need to chase anyone else, we know roughly what they cost having paid for the others, and I think that's good enough I really don't think there was a need to chase around looking for prices and also quality, you may not like the idea, but if you look at the toilets you will find they are as good as you are going to get. **CHAIR** = Cllr. Lansdell. **RL** = I would like to go back to the mention of £250,000 and survey and concur there was a mention made of it, may have been at the meeting prior, my concern is that we are looking at a price so far of £150,000, no mention made of connecting to drains, I think we should be looking at quotes for that as well, because its close to £200,000 in total. **AW** = Mr chairman also in our financial regulations a project over £180,000 it quotes if the project or tender worth more than £180,000 in value a special financial regulation needs to be drawn up by the Council so £135,000 for just the toilets and slab on top of it, we are in excess of £180,000. **SK** = That is an inclusive price £136000 plus VAT is an inclusive price, that's my information. **WH-H** = As a Shanklin resident and Cllr I feel that Sandow have followed us using Danfo on seeing Shanklin so doesn't that tell you something? **TC** = So have Cowes, Ventnor, Godshill, Newport and others. **WH H** = I am new on the Council so I really don't know, but what I do know is the toilets have been an on-going thing in the paper, I was quite chuffed to think that something was being done. **AW** = Sandown managed to get 2 quotes for their toilets, East Cowes had 3 or 4 so did Cowes and so did Yarmouth. **TC** = Did you ask them why? **AW** = They went out to tender and the process not just go for the first one. **TC** = Not true. **AW** = East Cowes did. **TC** = I know they did but did you ask them why? **AW** = No. **TC** = No. Obviously they are in a different position to us. **AW** = They went through the tendering process. **TC** = There is no talking to him is there. **AW** = Sorry chair can you ask the Clerk she is being rude to me. **TC** = I am not being rude. **AW** = You are. **TC** = No I am not. **CHAIR** = Stop the interchange between the pair of you. **MH** = People seem to think we have a downer on Danfo, I have no problem with Danfo, no problem with any work that's already been done just the process we are meant to be follow, if it ends up being Danfo then fine, part of being a Councillor you are liable if you misuse or waste the Council's money. Firstly, I don't fancy being accountable for a bill if we haven't followed a certain process. **TC** = We have followed the process that we should have followed you were told incorrect information. **MH** = The process is not if the job is over £24999.00 it doesn't have to go on the site. **TC** = No it doesn't. Chris, can I hand something around please. **CHAIR** = Yes. Town Clerk hands members the following:

As a qualified Clerk and the Proper Financial Officer of the Town Council – The person who, by virtue of Statute is responsible for the administration of the financial affairs of the Town Council. I have never in 17 years of working for the Town Council had my working practices questioned. I am not infallible (no one is) If I make a mistake, I will hold my hands up and apologise & I don't object to criticism if it is having merit.

I do strongly object to being accused of acting unlawfully, improperly and not following best practise and procedures.

### **Chine Bluff toilets re-development**

When considering which procurement method was most likely to achieve the objective sought and achieve the best value for money, I considered that Danfo being an existing contractor having built two of our toilet blocks coming in on time and on budget with no issues, was the obvious way forward and negotiated with Danfo as an existing supplier (as per our FR).

Project approval was sought from the Finance Committee in February, then Full Council in March and July 2021.

At the meeting of 29 July 2021, the vote to accept the quote and go ahead with the build was 13 Cllrs in favour and two against.

On the 4<sup>th</sup> August Cllr. Whittaker phoned me and told me that Cllr. Parkes told him he had been coerced into voting the way he did, I asked Cllr Whittaker who coerced Cllr Parkes, but he would not say, I told Cllr. Whittaker that if what he had said was true then Cllr. Parkes would need to contact me himself.

Cllr. Whittaker then asked me if the Financial Regulations on the website were up to date. I reiterated what I had said previously that no they were under review due to recent changes in the law.

I explained that the FR relating to contracts, tenders and procurement were changing due to the UK no longer being subject to EU procurement regulations & therefore we no longer have to follow rules outlined for OJEU tenders, and the process for us in the future would be an easier one. Cllr. Whittaker seemed happy with the explanation.

The next day the papers requesting an extraordinary meeting were distributed.

The contract in question is way under the current threshold so we did not need to go out to tender.

The new rules encourage contracting authorities to move away from seeing a sole importance in the 'lowest bid' (although STC never have) and encouraging other principles.

**TC** = *The information you have been given by Adrian is incorrect.* **AW** = *I am sorry.*

**TC** = *This will become clear.* **CHAIR** = *Stop making it personal.* **TC** = *I thought this (paper) was easier, if I speak, he will argue all the way through.* **CHAIR** = *I will give you a minute to read it.* **TC** = *Thank you Chris.* **AW** = *I cannot see what this has to do with what we are discussing.* **CHAIR** = *Let everyone read it, I have not got to the end of it yet.* **CHAIR** = *I think where we are is caught between different situations, we have the situation of what training tells you that we should follow our financial regulations, our financial regulations are being reviewed although the law has*

changed the financial regulations have not been update in line with that yet so whilst legally we don't have to put things out on tender websites we still require to try and get the best value for money and the Clerk has put down the rationale for why its felt we have got best value for money, the decision we have to make here is whether to say yes we should have a procedure we should follow our financial regulations will be updated in the future. **TC** = NALC & SLCC have not updated theirs yet. **CHAIR** =NALC haven't updated their main copy they put out to Councils, so there isn't a best practice proof yet. However the decision needs to be made whether we should go back and look at ticking the boxes in terms of getting multiple quotes which is sound good practice, but we do have experience of Danfo so the alternative view is that we look at it from our experience point of view and we go with the supplier who if you like is a preferred supplier because of the experience we have with them, I think that's where there are different views within the room, as to whether we should go one route or the other route. Both are actually acceptable routes and I understand the people who are saying we should follow the financial regulations that's why we have them, I also understand those of us who are saying we have experience with Danfo and they have given us good value for money in the past, there is a reason why Danfo have won contracts else where because they were competitive. **TC** = We have followed the regulations. **CHAIR** = We haven't followed the current version because the law has changed. **TC** = Which we have to follow. **CHAIR** = It's the technicality of it. **TC** = When Adrian phoned me up, I explained all this to him but he has taken absolutely no notice, gone back and told the newbies our financial regulations on the website are wrong which he knew because I told him. **CHAIR** = The decision we have to make, I am not sure there is any more information to be put out there, is whether to rescind it and go back to the drawing board or whether e continue with the existing decision we have taken, so is there anyone who wants to say anything. **MB** = Probably directed at Steve, there was a survey done, can you remind me what the survey said. **SK** = We contacted Ben who is the architect who designed the library and office and looked at the toilets in the beginning. he is a qualified surveyor and architect he along with Peter Dempsey and Jon went down to Chine Bluff and looked at the structure, the main issue from the architect's point of view was that the building wants to be removed from where it is, it seems to be attached to the retaining wall that holds the road and the properties behind it, the main course of issue was that if we start to pull it about and the road did move and the houses behind it, the finger would be pointed at us and the cost, they wouldn't go into what it would cost but certainly over £200,000, the roof needs to come off there is a whole host of problems with the building, you can see moisture coming through from the retaining wall, its an expensive job, it would be nice to have 15 toilets but you are talking about a lot money. We have already spent £350000 and maybe more, it seems like a terrible waste of money to throw that much money at that job there were two qualified guys, nothing was put on paper because it would cost money to do so, their view was good enough for me. **MB** = That's great that answers and clarifies, it would seem quite churlish for us to pursue that option re Chine Bluff I get that, I think where we are at the moment chair is that personally I don't think we



should scrap the Danfo option, I think we should put aside for the moment for honesty and transparency, we should go ahead with an additional quote and if Danfo are as good as their word and best value I am confident that when quotes come through Danfo would be the best quote. I am happy with that; I am also happy and confident that we have stuck within the regulations and more than happy to keep Danfo on the back burner with another one or two quotes. **CHAIR** = Patrick. **PB** = It's difficult, in the last meeting I was caught completely off guard, I would have liked to have discussed the matter in greater detail i.e., quotes for the refurbishment of the building, with regards to the cost of the toilets, my brain still can't function that its £70,000 for a toilet, when if we refurbish the other one, we may have to spend £30,000 my brain cannot get over that. That's my problem, my issue. I would have liked to have explored that more last week, there was not time to ask questions. **TC** = You did have time you had the agenda a week, more than a week in advance it was an agenda item you could have asked any questions at any time. **CHAIR** = We now need to go forward. **SP** = So we are talking here fellow councillors about the due process being followed, financial regulations, it seems to have become a bit vague as to what they actually are now, what we are following as previously adopted by the Town Council and there is a question what they were previously in 2017/18. **TC** = It's irrelevant, what's that got to do with it. **SP** = Because going back in time it clearly states we should have 3 separate quotes. **TC** = Have you read the piece of paper I gave you. **SP** = I have read it ; I will come to that in a minute. **TC** = That explains why you don't need them and the law has changed. **SP** = You are saying the law has changed , it couldn't be clearer. **SP** = Town Clerk Stella I went to training, we were clearly told **TC** = I know what you were told at training, you are saying you believed the training over me **MH** = Stella you are making it a personal attack on you. **TC** = Excuse me you have you've accused me **MH** = We haven't mentioned you by name **TC** = You said it was unlawful and improper. **MH** = In our eyes and according to the financial regulations of 2018, you seem to think we all share and listen to everything Adrian says is in your imagination. **TH** = He made a point **MH** = I can make my own mind up. **TC** = But you changed your vote. **MH** = After I had been made aware by training and other avenues. **TC** = So why did you not phone and ask me, we could have had a conversation. **MH** = To my mind I am following the correct process. **TC** = It is personal. **MH** = I don't think its personal, people are entitled to question the process, that what the meetings are about, you have to give people the opportunity to ask questions. **SP** = May I continue chairman. **CHAIR** = Yes but wind it up. **SP** = At Cllr training 3 written quotes should be part of the tender process within which there are set figures over and above which it has to be made public on the Govs website, the minimum Cllrs should not be pressurised or rushed into making a decision and be prepared, the Cllrs are liable for financial shortfalls and debts we incur, as new councillors we did know that on that evening, it was a busy agenda it was at the end, we are to be seen as following due process and honesty with our electorate, I would ask the question why was the public and media excluded from that agenda item. **TC** = Because that is the law. **SP** = Why are public and media allowed tonight. **TC** = Because the law for the last meeting is not

the law for this meeting. **SP** = I just want to say that what Mike said, we are not saying no way at all, we do not necessarily support the Danfo product, I think it's a superb product it may well be it's the right product, for the job but it's like making a monopoly decision without any alternative quotations, estimates or costings, state of repair and an argument put by Mr Gilbey, on closing the old toilets, due to drugs, alcohol, we know the Danfo toilets here in Shanklin just around the corner have not solved necessarily that problem and in fact those people who are out maybe on the tiles pay 20p, if they can get a hot shower as well as a roof over their head. I don't feel that's a fair argument to make for closing the old toilets. **CQ** = We are looking at the process here you are getting off track, I am going to allow Adrian then the proposer to respond then we will take it a vote. **AW** = I just have one point a Town and Parish Council needs two things financial regulations and standing orders, that's a legal requirement, I can accept the law has been changed but all the Town and Parish Councils across the country run to their last adopted financial regulations. **TC** = Not when the law has changed. **AW** = So you can rip them up and do what you like. **TC** = I didn't say that, we are following the law, I have just explained. **AW** = I agree with Cllr. Beston that we should just freeze this project look at having a proper survey done on the existing block, I can go down there and say they look alright to me, we need something in writing you don't buy a house without a survey. **MB** = I did not say we should have a survey. **AW** = No I did, I am saying we need a survey on the whole building to decide what to do with it. **TC** = Its about to rescind or not its not about anything else. **AW** = On the 29<sup>th</sup> we need another EGM we never closed the Chine Bluff toilets. **CQ** = You don't need an EGM this is the first one we have had in my 12 years probably in all the time as a Town Council, its not something you do, you do it because there is an issue, the issue is that we've not followed the regulations we need to relook at it and see if the decision is within the regulations or is it not within the regulations as approved at present looking at a change in the law is a question of interpretation of the new law, we get a second chance at that interpretation not whether Danfo is good or not, even if we go through the process again and Danfo could still get it, its not about who it is its about the process, was the process we went through **AW** = The financial regulations of 2019 we need a second quote on this. **TC** = Am I on a different planet. **CQ** = We are just going around in circles. **TC** = I have just said the law does not need 2 quotes we don't need it. **AW** = I believe we do. **TC** = So you are telling me I am wrong. **CQ** = We need to bring it to a close as the proposer Robert May has the last word. **RM** = I just want to ask a quick question on 29<sup>th</sup> when I asked why we only had one quote, I wasn't told we only need ne quote. The only answer I got was Jon saying they are the only people making the toilets and that's why we only got one quote. **TC** = You didn't ask me Robert **RM** = No I know I didn't ask you. Let's put this thing to bed. **TC** = It should have been put to bed when Adrian phoned and I explained it but he obviously has not gone back and relayed that information. **CQ** = The decisions are not made by the Town Clerk. **TC** = It's the law I do not make the law. **CQ** = Decisions are made by the Town Council as a whole, the decision we are making is the process we went through is it acceptable the first question on the agenda. **RM** = I still feel we need two

quotes no reason why not. **TC** = Why would you when the law says you don't need to. **RM** = For transparency. **TC** = We are being transparent; we have never taken the cheapest quote because its cheaper. **RM** = The best value for money. **TC** = We have had best value for money. **RM** = How do we know that. **TC** = Because we have worked with them for years, and built two toilet blocks. **CQ** = Anyone who has had insurance knows you don't necessarily get the best quote staying with them. **TC** = We have had no complaints from Cllrs or any one else. **CQ** = Look we have summed up. We are going to the vote to rescind. **SP** = What we are saying here **TC** = This is ridiculous. **SP** = We are not saying we are not happy with Danfo what we are saying. **TC** = We are doing the proposal. **CQ** = We have gone around everyone understands if we rescind, we may still end up with Danfo. **CQ** = The motion is to rescind.

Members' voted: Cllrs A. Whittaker, M. Hailston, R. May, R. Lansdell, P. Barry & S. Parkes voted to rescind. Councillors S. Knight, L. Fleming, M. Beston, D. Larner, S. Godden, D. Williams, W. Hilton-How voted against. Councillor C. Quirk abstained. The motion falls.

**RESOLVED:** That the decision of the 29<sup>th</sup> July to accept Danfo's quote re Chine Bluff toilets stands.

Items 2 and 3 are irrelevant.

Thursday 30<sup>th</sup> September 2021 .....