



SHAFTESBURY TOWN COUNCIL

Minutes of a meeting of Full Council held on **Tuesday 7th January 2014** at 7:00pm in the Council Chamber.

Present:

Cllr Pritchard (Chairman)

Cllr Harvey (Vice-Chairman)

Cllr Clinch

Cllr Cook

Cllr Dibben

Cllr Hicks

Cllr Lewer

Cllr Madgwick

Cllr Pestell

Cllr Tippins

In attendance:

Ms Nicola Duke (Town Clerk)

Mrs Claire Commons (Acting Committee Services Officer)

DCllr Beer

7 members of the public

MINUTES

PROCEDURAL ITEMS

2014/01 Apologies for Absence

- a) The Chairman advised that he had received a letter of resignation from Len Alabaster. Apologies were received from Cllr Phil Proctor who was on holiday.
- b) Apologies from Cllr Proctor were accepted.

2014/02 Declarations of Interests and Dispensations to participate

- a) Members were provided with the opportunity under the Localism Act 2011 to declare any pecuniary interests or dispensations to participate in the meeting. There were no interests declared.
- b) The Town Clerk had not received any dispensation requests not previously considered.

2014/03 Chairman's Announcements

The Chairman spoke about an award from Yeovil College to The Wessex Group in recognition of the huge support they give to the college. The Mayor extended the Council's thanks to The Wessex Group for the work they do for the Shaftesbury Community.

The Chairman spoke about the wonderful achievement from the Chamber of Commerce with the switching on of the Christmas Lights and the related media attention which put a positive focus on Shaftesbury. Cllr Pritchard **PROPOSED** a formal vote of thanks to the Shaftesbury Chamber of Commerce, which was **SECONDED** by Cllr Hicks and unanimously:

RESOLVED: That an official vote of thanks be publicly recorded to the Shaftesbury Chamber of Commerce for their work leading to the success of the Christmas Lights Switch On. (*Policy no 0114/FC/03*)

ACTION: ACTING COMMITTEE SERVICES OFFICER

The Mayor expressed disappointment that the Council's meeting calendar had not enabled the Boundary Commission consultation to be formally considered.

The Mayor spoke regarding the interim internal audit noting that comment was made on the length of meetings and in particular the breadth and length of time members of the public spoke during the Open Forum session. He advised that, in future, members of the public would be restricted to three minutes each and that comments and questions should only relate to matters on the agenda. He added that for the purposes of that evening's meeting, he would be flexible.

2014/04 **Open Forum**

- a) Mr Cook – made reference to the minutes of the last meeting and asked for the reason for the appendix to the minutes. He acknowledged that although it was not an agenda item, he would like to know what news there was regarding the monument in terms of progress for relocation and the costs incurred. The Chairman responded that there was not an update at this time as members had been invited to make suggestions for relocation sites but that these needed to be verified as achievable before they could be put to public consultation. He advised that the council would provide a written response regarding the finances of the project. Mr Cook expressed thanks that the HR Committee agenda item was not being held in confidential session and asked what had changed. The Chairman responded that that this was in accordance with advice received from the auditor and Town Clerk, he further confirmed that members of the public may receive a copy of the recommendations from the internal auditor.

ACTION: FINANCE OFFICER

Mr Thomas – spoke opposing the requirement for members of the public to only talk about matters on the agenda. He asked why the public consultation session was now within the body of the meeting rather than preceding and following the meeting. The Chairman responded that this was in line with best practice guidelines and accorded with other town and parish councils. Mr Thomas asked if the Chairman was in agreement that when the HR Committee was set up later in the meeting, it should have the power to hold the records of the Town Clerk, he also asked for the current situation relating to a member of staff. The Chairman responded that he could not talk about members of staff. Mr Thomas asked about the Draft Local Plan, Cllr Lewer responded that there would be a workshop on 14th January 2013. Mr Thomas asked when the council would create its own website, the Chairman responded that the Council element of the website was its website.

Mrs Caldwell – spoke in support of members of the public only talking about matters on the agenda adding that if there were other matters which they wished to raise, there were three ward councillors which they may talk to who could raise it on their behalf.

DCllr Beer – spoke regarding the football club asking that as the representative to the football club had resigned from the council, a new representative be appointed as soon as possible. He also concurred with the comments made by Mrs Caldwell.

Cllr Clinch – asked why the public toilets had been locked before 1pm on Christmas Eve. The Clerk responded that they would look into that. Cllr Clinch advised that the new bus routes were now published and this would be discussed by the Transport Forum.

- b) Reports from County and District Councillors DCllr Beer – expressed disappointment in the service provided by South West Trains in poor weather and reported that he would be raising this with them at the earliest opportunity.

ACTION: OFFICE STAFF

DCllr Pritchard – acknowledged that DCllr Jefferson was on holiday and therefore had no reports to make. He reported that DCllr Jeffery had sent his apologies for the meeting and advised that he was keeping an eye on the situation with the Sure Start Children’s Centre.

- c) Reports from local organisations Cllr Pritchard – reported on behalf of Shaftesbury Snowdrops advising that they had arranged for Shaftesbury to be the location for the 2014 Snowdrop Conference and secured key speakers. The event would bring 150 delegates to the town and raise the profile of Shaftesbury Snowdrops. Cllr Cook added that they would be looking for sponsorship of £400 towards a fireworks display.

2014/05 Minutes

- A. The minutes of the Full Council meeting held on Tuesday 26th November 2013 were **APPROVED** for accuracy and **ADOPTED**.
- B. The minutes of the Planning and Highways Committee meeting of the 3rd December 2013 were **APPROVED** for accuracy and **ADOPTED**.
- C. The minutes of the Planning and Highways Committee meeting held on the 18th December 2013 were **APPROVED** for accuracy and **ADOPTED**.
- D. An adjustment to the statutory power recorded in the minutes of the 23rd April 2013 was **PROPOSED** by Cllr Lewer, **SECONDED** by Cllr Madgwick and unanimously **RESOLVED**. (Policy P0114/FC/05d)

ACTION: TOWN CLERK

2014/06 Correspondence

There was none.

2014/07 Meeting attendance

There was no additional meetings requiring attendance.

BUSINESS ITEMS

2014/08 Interim Audit Report 2013/2014

The Town Clerk reported that part one of the financial audit had been completed and that part two would be completed in readiness for discussion at the next meeting of Full Council on 11th February 2014. The office had been through the recommendations and noted responses to the issues raised. In summary the auditor had reported that the financial control was generally good and recommended a few adjustments. Cllr Tippins **PROPOSED**, Cllr Lewer **SECONDED** and it was unanimously:

RESOLVED that a letter be sent to North Dorset District Council reporting the auditor’s summary confirming good financial governance at Shaftesbury Town Council. (Policy 0114/FC/08A)

ACTION: TOWN CLERK

Cllr Dibben **PROPOSED**, Cllr Pritchard **SECONDED** and it was unanimously:

RESOLVED to **ADOPT** the responses to the auditor report as detailed under column ‘Client Response’. (Policy 0114/FC/08B)

ACTION: OFFICE STAFF

2014/09 Shaftesbury Football Club (minute refers 1113/FC/83c1)

The Town Clerk reported that a meeting had been held before Christmas with the Football Club, that a lease was being drafted by the Council’s solicitors and it would soon be ready to sign. It was asked whether if

there was a difference of opinion among the members relating to the lease it would need to come back to Council. The Town Clerk confirmed that once she had sight of the lease, she would advise if this was necessary.

The Chairman asked for proposals for a representative to the Football Club. Cllr Harvey **PROPOSED** Cllr Pestell who declined, Cllr Clinch **PROPOSED**, Cllr Tippins **SECONDED** and it was unanimously

RESOLVED that Cllr Clinch would be the representative to the Football Club for the remainder of the municipal year. (Policy 0114/FC/09) (Statutory Authority - LGA 1972 s.111)

ACTION: ACTING COMMITTEE SERVICES OFFICER

2014/10 Estimate of Expenditure for the Year 2014/2015

The Town Clerk reported that contrary to previous advice received, she had been informed by North Dorset District Council that the deadline for submitting the precept request was 31st January 2014 therefore there would be a requirement for an extraordinary Full Council meeting and a public budget meeting in January, it was suggested that the dates for these be Thursday 23rd January 2014 for a council workshop at 6pm followed by a public budget workshop at 7pm and an Extraordinary Full Council on Thursday 30th January 2014.

ACTION: TOWN CLERK

2014/11 Human Resources Committee

The Chairman had tabled an adjusted Terms of Reference for the proposed committee in addition to the circulated previous Terms of Reference. Cllr Pestell **PROPOSED**, Cllr Hicks **SECONDED** and it was **RESOLVED** to take item 11b 'Agree terms of reference' before item 11a 'Appoint three members to a standing Human Resources Committee'

8pm The meeting was suspended for 5 minutes to allow members to read the tabled terms of reference.

8:05 meeting resumed.

- a) The terms of reference as tabled by the chairman were considered and it was **PROPOSED** by Cllr Pritchard, **SECONDED** by Cllr Tippins and:

RESOLVED to adopt the terms of reference as tabled with three amendments:

- Under the heading **Remit**, hyphenate 'Councillor-to-staff conduct'
- Under the heading **Remit**, remove 'and acts as the Chief Executive and Town Clerk's line day to day Manager
- Point 9 of the **Terms of Reference**, replace 'determine' with 'recommend'

(Policy 0114/FC/11) (Statutory Authority – LGA 1972 s.101)

ACTION: TOWN CLERK

- b) Cllr Pritchard **PROPOSED**, Cllr Harvey **SECONDED** that Cllrs Madgwick, Tippins and Lewer be the members of the HR Committee. Nominations were also received for Cllrs Cook and Clinch. Members voted on the proposal, 4 in favour and 5 against therefore the motion fell. The members then moved to a ballot for the five members nominated. The results were:

Cllr Clinch	2
Cllr Cook	4
Cllr Lewer	9

Cllr Madgwick	5
Cllr Tippins	8

It was thereby **RESOLVED** (with two votes uncast) that Cllrs Lewer, Madgwick and Tippins be appointed to a standing HR Committee. (*Policy 0114/FC/11b*) (*Statutory Authority – LGA 1972 s.101*)

ACTION: ACTING COMMITTEE SERVICES OFFICER

**2014/12 Motion proposed by Cllr Madgwick and seconded by Cllr Harvey
Town Clerk Job Title**

Cllr Madgwick amended the wording of the proposal to:

It is proposed to adopt *in principle* the change in job title suggested by the Town Clerk in October 2013, which was agreed at the public workshop meeting of the same month to be more in line with the size and function of Shaftesbury Town Council. Specifically the Town Clerk's job title is changed as per her suggestion from Chief Executive Officer and Town Clerk to be Town Clerk. This to be referred to the HR Committee for recommendation.

Cllr Harvey accepted the amendment to the motion. It was:

RESOLVED to **REFER** to the Human Resources Committee consult with the Town Clerk regarding change in job title from 'Chief Executive Officer and Town Clerk' to 'Town Clerk' and report back to Full Council. (6 in favour, 2 abstentions and 1 declared 'no vote')

ACTION: TOWN CLERK

Cllr Pritchard **PROPOSED** Cllr Pestell **SECONDED** and it was **RESOLVED** to bring forward agenda item 14 as it was no longer required to be held in confidential session.

2014/13 Report into the Town Council's governance (previously agenda item 2014/14)

Members considered Appendix C – Recommendations and Action Plan from the Internal Auditor's report. The five recommendations were considered in turn and the responses are included within the action plan shown below.

Accounts and Audit Service Limited

**2013/14 INTERNAL AUDIT OF SHAFTESBURY TOWN COUNCIL
FIRST REPORT 17 DECEMBER 2013**

Appendix C – Recommendations and Action Plan

Recommendation number	Detail	Priority (1 = low priority; 5 = high priority)	Member Response	Due Date
1 – Conduct of Meetings	Members should have a discussion as to how to reconcile their individual interests with the corporate interest of the Council, making it easier for the Chairman to keep order during meetings. and showing that they clearly comply with the Council's Constitution, Standing Orders	4	Members are addressing changes to the agenda regarding Open Forum	Immediate effect

	<p>and Code of Conduct.</p> <p>This will ensure that Council meetings are conducted in an orderly manner and improve the Council's reputation.</p>			
2 – Revise Standing Orders	<p>Standing Orders should be revised to include sanctions for Members who behave in an inappropriate manner or who contravene the Code of Conduct. Members should all agree to be bound by the sanctions.</p> <p>This will help to ensure that Members act appropriately and with the dignity of their office. It should also bring member/staff issues to an end.</p>	5	Consider adoption of the new Standing Orders	11/02/14
3 – Peer Review	<p>Members should consider having a neighbouring clerk conduct a peer review of the Council's governance arrangements and operations.</p> <p>This will help the Council to identify best practice and areas for improvement to strengthen their governance arrangements, improve decision making and improve value for money.</p>	4	Support peer review of Council's governance arrangements	Commence February 2014
4 – Proper Officer Advice	<p>Members should accept a strong presumption that the Clerk's advice is correct.</p> <p>This will help to improve decision-making at the Council and reduce costs.</p>	4	Agreement to accept the recommendation	Immediate effect
5 – Staff Complaints	<p>In view of the number of issues to be addressed, the Council should reestablish a staffing or human resources committee with a brief that includes:</p> <ul style="list-style-type: none"> - dealing with the historical matters raised in the report 	5	Addressed largely by reinstating a standing HR Committee. Understanding that each member has a personal duty of care.	Immediate effect

	<p>- supporting the clerk with dealing with future staff issues and annual staff appraisals - carry out the clerk's annual appraisal</p> <p>The objective is to give staff an opportunity to be listened to, for staff to feel they are treated fairly and for any genuine issues to be dealt with at an early stage.</p> <p>This will improve the working relationship between members and staff, increase officer retention (improving customer service and reducing costs) and will reduce the risk of officers being able to successfully claim costs from the Council in relation to allegations of bullying or harassment.</p>			
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2014/14 Confidential Information (previously agenda item 2014/13)

It was **PROPOSED** by Cllr Harvey, **SECONDED** by Cllr Lewer and unanimously **RESOLVED** to pass a resolution that under Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the public and press should be excluded from continued discussion relating to item 2014/13 as it related to confidential matters as detailed in category 1 of Article 2.2.7 Access to Information Rules within the town council constitution.

The meeting was suspended at 9:05pm to allow comments from members of the public.

Mr Cook – asked how much the auditor had cost. The Chairman advised that the final bill had not yet been received but that up to £5,000 had been allocated for the auditor and the investigation into the Rifles Monument.

Mr Thomas – congratulated the Council on keeping business in public session.

The meeting reconvened at 9:20pm

2014/15 Report into the Town Council's governance (minute item 2014/13 continued)

Due debate took place.

There being no further business, the meeting was closed at 9:35pm