



SHAFTESBURY TOWN COUNCIL

Minutes of a meeting of Full Council held on **Tuesday 26th November 2013** at 7:00pm in the Council Chamber.

Present:

Cllr Pritchard (Chairman)	Cllr Hicks
Cllr Harvey (Vice-Chairman)	Cllr Lewer
Cllr Alabaster	Cllr Madgwick
Cllr Clinch	Cllr Pestell
Cllr Cook	Cllr Proctor
Cllr Dibben	Cllr Tippins

In attendance:

Ms Nicola Duke (Town Clerk)
Mrs Claire Commons (Acting Committee Services Officer)
DCllr Beer, Inspector Shawn Whitley
14 members of the public

Cllr Pritchard welcomed Cllrs Alabaster and Madgwick to their first Full Council meeting following their election to the Town Council.

MINUTES

PROCEDURAL ITEMS

2013/79 Apologies for Absence

a) There were no apologies received.

2013/80 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.

2013/81 Chairman's Announcements

The Mayor brought attention to the South and South West in Bloom Gold award and expressed his honour at being presented with this, he commended those that had been involved. He also reported that the town had received a 'Highly Commended' for the Community award. Cllr Pritchard **PROPOSED** a formal vote of thanks to the Shaftesbury In Bloom Committee, which was **SECONDED** by Cllr Hicks and unanimously:

RESOLVED: That an official vote of thanks be publicly recorded to the Shaftesbury in Bloom Committee for their work leading to the achievement awards received. (*Policy no 1113/FC/81*)

ACTION: ACTING COMMITTEE SERVICES OFFICER

2013/82 Open Forum

- a) Mrs Roberts – spoke giving her best wishes for the meeting and reminded members that they were representatives of the town urging that, should they disagree on any matters, they did not make enemies of each other.

Mr Thomas – spoke on various matters, a copy of his questions are appended to these minutes. He asked whether Shaftesbury Town Council would be carrying out an audit as requested by the town and by North Dorset District Council. The Mayor responded that it would be carried out but that he was waiting for the letter from North Dorset District Council to confirm the details of the request. Cllr Dibben said that members at NDDC were challenging the integrity of officers. Cllr Madgwick raised a point of order that no person should obstruct proceedings or behave improperly stating that Cllr Dibben had cast aspersions on councillors and that this should be dealt with separately. Mr Thomas spoke regarding the £1.4million for the SUDS saying that it was ring-fenced for expenditure on the eastern development only. Cllr Hicks responded that it was for SUDS and other open spaces. Mr Thomas asked who wrote the letter sent to North Dorset District Council which was referred to by Cabinet. Cllr Hicks advised that members were requested to pass all correspondence through the office. Mr Thomas asked what the process would be for public involvement in the budget setting process. The Mayor confirmed that public engagement would be as previous years and that there would be publicised meetings in the New Year. Mr Thomas asked if the Town Clerk's salary would reduce in line with her job title reverting, the Mayor advised that he could not disclose staff information in a public meeting. Mr Thomas also spoke in favour of a standing HR Committee. Mr Thomas asked how many donors to the monument had asked for their money back and the value of those requests, the Mayor advised that to the best of his knowledge only one person had made that request and £250 had been returned. Mr Thomas asked how the money donated by Persimmon had been spent, the Mayor responded that it had only been part spent. Mr Thomas asked if a date had been set for an investigation for the memorial, the Mayor responded that the council had not yet agreed to spend money on an investigation but that the question would be put at the relevant point during the agenda. Mr Thomas asked the council to consider that it was a guardian to public land on behalf of the public and to ensure that the public were consulted in any considerations to its use.

DCllr Beer – spoke regarding the football club expressing hope that the club could be provided with a lease.

Mrs Caldwell – thanked the staff for providing agenda sets prior to the meeting, which made it much easier for the public to engage with the proceedings.

Mr Cook – thanked the Mayor for his fundraising efforts for HOPE at the 'Deal or No Deal' event the previous week. He further congratulated Cllr Tippins for a stout performance at Cabinet refuting some of the things said about the council.

- b) Reports from County and District Councillors DCllr Beer – reported from the Licensing Committee that licensing for street collections for charities which met the correct criteria would be easier. In addition, groups like the Youth Club would have the stipulation that fundraisers had to be over 16 years of age relaxed. It was noted that this would still need to go to Cabinet.

DCllr Pritchard – congratulated Cllr Tippins on his rebuttal of the NDDC report, stating that he felt that the Town Council's approach had been very well received. He added that the town council would await a letter from North Dorset District Council which would detail the requirements that the town council needed to reach to satisfy them ahead of any transfers of land. He reported that the matter would be taken to the Scrutiny Committee on 18th December and **PROPOSED** that that the Town Council ask for

the matter to be referred to the January meeting in order to give the Town Council more time to put its case together. Cllr Harvey **SECONDED**, the motion was put to the vote and fell.

- c) Reports from local organisations Cllr Harvey – reported on TOBY’s AGM detailing the number of individuals helped and expressing gratitude that such a facility was available in Shaftesbury.

Cllr Hicks – reported from the Shaftesbury in Bloom AGM reporting that the grant received by the Town Council did not even cover the insurance and asked that the council considered a Service Level Agreement with the committee next year.

ACTION: OFFICE

Cllr Pritchard– reported that he had received communication from the Abbey Museum needing financial assistance and asked that this be considered at the next meeting of the General Management Committee. He also spoke regarding the Shaftesbury Snowdrops stating they were also a valuable asset to the town and asked that they may also be considered for a Service Level Agreement.

ACTION: OFFICE

Cllr Cook – reported from the Shaftesbury Community Association AGM (Lindlar Hall) that they had a positive balance sheet and had plans for extending the hall which was hoped would then provide a permanent home for the Guides and Brownies.

Cllr Clinch – reported from the carnival committee advising that if anyone would like a copy of the most recent minutes, he could provide them.

2013/83 Minutes

- A. The minutes of the Full Council meeting held on Tuesday 22nd October 2013 were **APPROVED** for accuracy and **ADOPTED**.
- B. The minutes of the Planning and Highways Committee meeting of the 29th October 2013 were **APPROVED** for accuracy and **ADOPTED**.
- C. The minutes of the General Management Committee meeting held on the 19th November 2013 were **APPROVED** for accuracy with one amendment, three recommendations and **ADOPTED**.

1. Cllr Harvey **PROPOSED**, Cllr Lewer **SECONDED** and it was:

RESOLVED : That Shaftesbury Town Council offer Shaftesbury Sports Club Ltd a fifteen year lease for the football, training and clubhouse facilities with appropriate five year break clauses, a clause to provide for any strategic alteration to the provision of leisure facilities in the town and risk mitigation clauses and that an operator for the clubhouse be jointly appointed. (Policy 1113/FC/83c1) (Statutory Authority – LGMPA 1976 s 19) (Financial Implication – none) (Public Sector Equality Duty – Due consideration of the duty was given).

ACTION: TOWN CLERK

2. Cllr Harvey **PROPOSED**, Cllr Pestell **SECONDED** and it was:

RESOLVED: That Cllrs Harvey, Pestell and Madgwick are appointed to the selection panel for the appointment of a new Internal Auditor to the Town Council. (Policy 1113/FC/83c2) (Statutory Authority – LGA 1972 s.111) (Financial implication – none) (Public Sector Equality Duty – due consideration of the duty was given)

ACTION: CLLRS HARVEY, PESTELL AND MADGWICK

3. It was **RECOMMENDED TO FULL COUNCIL**: That the Town Council refer the financial and governance processes undertaken in relation to the erection of the Park Walk monument for external audit. This was debated and the Mayor proposed an amendment that two pieces of work be considered a) a full interim audit and b) a full investigation into the Park Walk monument. This amendment was accepted and Cllr Harvey **PROPOSED**, Cllr Proctor **SECONDED** and it was:

RESOLVED that the Town Council enlist the services of an auditor from a comparative Town Council to carry out a full interim audit and that Shaftesbury Town Council appoints an Investigating Officer through recommendation from the National Association of Local Councils in relation to the processes and governance of the erection of the Park Walk monument. *(Policy 1113/FC/83C3) (Statutory Authority – Audit Commission Act 1998 s.3 and LGA 1972 s 111) (Financial Implication – up to £5,000 General Fund Balance) (Public Sector Equality Duty – due consideration of the duty was given)*

ACTION: TOWN CLERK

Cllr Pritchard **PROPOSED**, Cllr Clinch **SECONDED** and it was unanimously **RESOLVED** to bring forward item 2013/89 - Dorset Police Enquiry Office Change of Provision Consultation in order for Inspector Shawn Whitley to be able to speak and leave afterwards.

2013/84 Dorset Police Enquiry Office – Change of Provision Consultation (Previously agenda item 89)
Cllr Madgwick had provided a report to members on the consultation provided by the police service. It summarised the proposal that the Shaftesbury Front Office would have a trial run of opening for 2 hours, 2 days per week and that the consultation would be concluding on Friday 29th November 2013. Inspector Whitley highlighted that policing was going through a difficult time with regards to finances and was required to make savings. He added that the options for closing and limiting the front offices was to mitigate losing additional police officers. He clarified that the service would remain the same until April 2014 and then the proposals would run for a trial of 6 months from April – September 2014. It was **AGREED** that there was no corporate response but all members and the public were urged to submit any relevant comments.

2013/85 Town Council appointments (Previously agenda item 84)

a) Cllr Pritchard **PROPOSED**, Cllr Harvey **SECONDED** and it was unanimously:

RESOLVED that the vacant position on the General Management Committee would be filled by the vice chair of the Recreation, Open Spaces and Environment committee when they were appointed and that Cllr Cook would join the Planning and Highways Committee. *(Policy 1113/FC/85a) (Statutory Authority – LGA 1972 s.101) (Financial Implication – none) (Public Sector Equality Duty – due consideration of the duty was given)*

b) Members considered organisations requiring representatives, the following volunteers were identified:

- | | |
|--------------------------------------------------|------------------------------------------|
| • Shaftesbury and District Carers (HOPE) | Cllr Win Harvey |
| • Barton Hill Trust | Cllr Richard Tippins |
| • Dorset Association of Town and Parish Councils | Cllrs Simon Pritchard and Joseph Pestell |
| • Chamber of Commerce | Cllr Simon Pritchard |
| • Shaftesbury and District Tourism Association | Cllr Simon Pritchard |
| • Cricket Club | Cllr Joseph Pestell |
| • Football Club | Cllr Len Alabaster |
| • Shaftesbury Municipal Almshouse | Cllr Tim Cook |
| • Website Management Team (two vacancies) | Cllrs John Lewer and Joseph Pestell |
| • Shaftesbury Fairtrade Group | Cllr Mike Madgwick |

Cllr Pritchard **PROPOSED**, Cllr Lewer **SECONDED** and it was unanimously **RESOLVED** to take the identified representatives. *(Policy 1113/FC/85b) (Statutory Authority – LGA 1972 s.111) (Financial Implication – none) (Public Sector Equality Duty – due consideration of the duty was given).*

ACTION: ACTING COMMITTEE SERVICES OFFICER

2013/86 Correspondence (Previously agenda item 85)

The Town Clerk reported on an email received from the National Association of Local Councils regarding the Council Tax Benefit Support Grant which has also been referred to as the Transitional Relief Grant. She advised that NALC were dissatisfied with the knowledge that some principal authorities would not be passing the grant on to Town and Parish Councils and the problems that this may raise. They advised that they would be meeting with the CLG Minister to discuss and would make contact again with any progress.

2013/87 Meeting attendance (Previously agenda item 86)

Cllr Pritchard reported that North Dorset District Council had requested a representative from Shaftesbury Town Council at its budget workshop on Thursday 5th December 2013. It was **AGREED** that Cllrs Madgwick and Tippins would attend.

ACTION: CLLRS MADGWICK AND TIPPINS

BUSINESS ITEMS

2013/88 Local Government Pension Scheme (Previously agenda item 87)

A report had been circulated which detailed some discretions for which the Town Council as an employer needed to determine its own policy. Cllr Pritchard **PROPOSED**, Cllr Harvey **SECONDED** and it was unanimously:

RESOLVED that the Dorset County Pension Fund Discretion Policy be signed for submission to Dorset County Council. *(Policy 1013/FC/88) (Statutory Authority – Local Government Pension Scheme (Administration) Regulations 2008 SI 2008/239) (Financial Implication - none) (Public Sector Equality Duty – Due consideration of the duty was given).*

ACTION: OFFICE

2013/89 Employment and Health & Safety Support 2013/2014 (Previously agenda item 88)

The Town Clerk introduced the report previously circulated which provided options in provision of Health & Safety and Employment Support. The differences in the services were highlighted for members and the risks of changing provider tabled. Members considered re-establishing a standing HR Committee and as the matter was not an agenda item it was **AGREED** to refer the issue to the employment barrister for a report and recommendation as to how the Town Council should address HR matters moving forward. Cllr Harvey **PROPOSED**, Cllr Pritchard **SECONDED** and it was:

RESOLVED that the Town Council renew the Employment and Health and Safety Support provided by Ellis Whittam at an annual cost of £3,250 *(Policy 1113/FC/89) (Statutory Authority – LGA 1972 s111) (Financial Implication - £3,250 per annum for 3 years, Legal and Professional fees) (Public Sector Equality Duty – due consideration of the duty was given)*

ACTION: TOWN CLERK

2013/90 Service Level Agreement 2014/2015 – School Crossing Patrol service at Shaftesbury C of E Primary School

A report had been circulated outlining the request from Shaftesbury C of E Primary School for a continuation to its Service Level Agreement to fund the School Crossing Patrol for 2014/2015. Cllr Harvey **PROPOSED**, Cllr Lewer **SECONDED** and it was unanimously:

RESOLVED to provide a Service Level Agreement for the School Crossing Patrol at Wincombe Lane for the financial year 2014/2015. (Policy 1013/FC/90) (Statutory Authority – LGA 1972 s137) (Financial Implication - £3,100 Grants and SLAs) (Public Sector Equality Duty – due consideration of the duty was given).

ACTION: TOWN CLERK

2013/91 Shaftesbury Leisure Facilities

A report had been circulated asking members to consider the steps proposed for the transfer of Barton Hill Carpark, Swimming Pool and a section of Coppice Street car park. In summary, these were to agree the transfer of the proposed parcels of land, provide a business plan to North Dorset District Council in February 2014 and to complete the transfers by June 2014. Members considered the membership of the group and it was **AGREED** that the working group for these three parcels of land would consist of;

Cllr Hicks	Louise Plumbridge
Cllr Lewer	Phil Bevis
Cllr Tippins (Lead Council member)	Pierre Jordaan
David Shepherd	Sarah Wheeler
DCllr Beer	

Cllr Tippins **PROPOSED**, Cllr Dibben **SECONDED** and it was:

RESOLVED that Shaftesbury Town Council confirm its intention to receive the transfer of parcels of land and facilities at Barton Hill Car Park, Barton Hill Swimming Pool and Coppice Street car park from NDDC. (Policy 1113/FC/91) (Statutory Authority – LGA 1972 s124) (Financial Implication – none) (Public Sector Equality Duty – due consideration of the duty was given)

ACTION: TOWN CLERK

2013/92 Shaftesbury Town Council – Review, Reform, Rebuild – ‘the Three R’s’

The Town Clerk reported to members that work had commenced on the plans to ‘Review’ the Council by ordering an interim audit, HR reviews and an investigation into issues surrounding the erection of the monument on Park Walk. It was **AGREED** that a working group be formed to carry out the remainder of the review process and report to the next meeting of the Full Council. The working group would consist of;

Cllr Alabaster	Cllr Pestell
Cllr Cook	Cllr Pritchard
Cllr Madgwick	Cllr Tippins

Cllr Pritchard **PROPOSED**, Cllr Lewer **SECONDED** and it was:

RESOLVED that the membership of the Three R’s working group be Cllrs, Alabaster, Cook, Madgwick, Pestell, Pritchard and Tippins. (Policy 1113/FC/92) (Statutory Authority – LGA1972 s111) (Financial Implication – none) (Public Sector Equality Duty – due consideration of the duty was given)

There being no further business, the meeting was closed at 10:15pm

APPENDIX

Questions on finances and governance to STC 26 Nov 2013

EXTERNAL AUDIT

1. NDDC's Cabinet yesterday (Nov 25) asked for STC to adhere to the resolution passed at the Parish Meeting on 12 September requiring STC to carry out an immediate forensic external audit of the town council's finances, its financial processes and managerial controls. Can the Council say what progress there has been to commission such an audit, covering what period, with what terms of reference, and when it expects to report back?

Does the Council agree the audit should cover a period of at least the last 3 years and that it should examine particularly the situation with the monuments on Park Walk and at Meles Mead, the temporary bus service for swimmers last summer, the conduct of Service Level Agreements including the names of councillors and their families who were directors or employees of companies benefitting from SLAs, and the accounts of companies who received public funds, as well as any income taken by the town council for the sale or remunerative use of any public land in Shaftesbury, including the football club, to establish if it was done by proper process of law?

Letter to NDDC

2. Also at yesterday's NDDC cabinet meeting (Nov 25) a letter from Claire Commons to NDDC chief executive Liz Goodall dated 23rd October 2013 purporting to be on behalf of STC was read out. Can the council confirm who actually wrote that letter? If indeed by Claire why was it sent by an acting committee clerk rather than either the council chairman or the town clerk? But if it was in fact written by the ROSE committee chairman Mick Hicks, as I believe, why did he allow Claire to put her name to it, why did it have the wrong dates in it, why was it so poorly written - and is this not further evidence of sloppy and improper practice within the Council and the town hall?

COUNCIL TAX/PRECEPT 2014-15

3. Will the council confirm the process it is now following to set a precept for Shaftesbury for 2014-15 **acceptable to the people of Shaftesbury**, with dates? And will it confirm that it will be limiting itself to delivering only its statutory responsibilities for the foreseeable future in order to facilitate a substantial reduction in precept for 2014-15?

4. When will the council reinstate the annual publication of a statement of allowances and expenses paid to council members in the preceding year as used to be the case at STC and is common practice at all higher-tier councils? When did this practice cease here and why? Perhaps the town clerk will answer that question?

5. Now that the town clerk has reverted to her correct title can the council confirm when her salary will also revert to the correct level in order to further reduce the precept in 2014-15?

PARK WALK MONUMENT

6. How many donors have asked for their money back and how much money has been handed back?

7. What has happened to the £5k Persimmon Homes donated for a monument on the East Shaftesbury development and where is that monument to go and when?

8. When will a date be fixed for an enquiry into what went wrong over both sets of monuments independent of an audit, especially to establish what happened, when and how and who exactly is responsible, how the costs incurred will be met, by whom and when?

PUBLIC LAND IN SHAFTESBURY

9. Does the council agree with the principle that with regard to public land within the town boundary that the council controls that it acts only in the role of **the guardian** of the land on behalf of the residents and that it is in no sense 'sole owner' of that land for development or disposal purposes? And does it also agree that as some of that land was gifted to the community for specific community uses, often as open-air recreation land such as in the case of the football club, no action to change the use of any of such land for anything other than open-air recreation should be taken without thorough consultation with the people of Shaftesbury first?

Barton Hill car park

10. Yesterday (Nov 25) at NDDC it was revealed at the same NDDC cabinet meeting that "**discussions are now taking place with STC and local community groups [in Shaftesbury] which may alter the [free] provision of [Barton Hill] car park.**" Can STC say which community groups are involved in these discussions, what their views on this are, and how and why these particular groups were chosen [above others]? Will STC also confirm that Barton Hill car park was provided by NDDC in part compensation for the loss of the free 220-space Coppice St car park to Tesco in 2003? And are present members of STC aware that the Coppice St car park was covenanted to remain free to residents and visitors to Shaftesbury in perpetuity? Are they also aware that research is emerging almost daily that retaining free parking in town centres is almost the only way that small market towns like Shaftesbury will survive in the competitive and rapidly changing retail world we are now in? And as a consequence of that will the council confirm that it will not recommend or support any moves to charge for the use of Barton Hill car park at any time now or in the future without fully consulting the people of Shaftesbury first? Will it also agree that an important set of questions in the survey of residents and business-owners necessary will be to establish the extent to which the car park is used by key workers in the town and what impact charging will have on their livelihood?

HR COMMITTEE

12. Does the council agree that a standing HR committee composed of those new and independent councillors with the necessary experience and qualifications should be established forthwith, and does it also agree that that committee should have the power to hold the personal records of the town clerk and to review his/her performance on a regular basis?