



### **Shaftesbury Town Council**

Town Hall, Shaftesbury, Dorset. SP7 8LY Telephone: 01747 852420

Town Clerk: Mrs Claire Commons e-mail:enquiries@shaftesbury-tc.gov.uk Website:www.shaftesbury-tc.gov.uk VAT Reg No 241 1307 58

To members of Shaftesbury Town Council, Councillors Hollingshead (Chair), Chase (Vice Chair), Brown, Cook, Hall, Lewer, Loader, Proctor, Tippins, Welch and Yeo.

You are summoned to a meeting of the Extra Ordinary Full Council for the transaction of the business shown on the agenda below. To be held at 7.00pm on **Tuesday 08 December 2020** online at **Zoom.us**. Meeting ID: 861 7058 5348

All other recipients for information only

Claire Commons CertHE PSLCC, Town Clerk and Responsible Finance Officer (RFO) 2<sup>nd</sup> December 2020

### **Public Participation**

Due to the current government coronavirus response, the Town Council will be meeting online. Members of the public are encouraged to submit their questions or comments under 'Public Participation' in advance of the meeting to the Chairman and these will be made available to all Councillors. Members of the public may also link in to observe the meeting using the details above (Local Government Act, 1972 s.100)

### **Online Meeting Arrangements**

The Chairman will host the meeting, attendees will be muted and councillors invited to speak in turn at each agenda item in line with Standing Orders Rules of Debate, Councillors may raise their hand to indicate that they wish to speak at other times. (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations, 2020)

### The 7 principles of public life

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership

(Committee on Standards in Public Life, 1995)

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(End)

Anticipated meeting end time 8:47pm

#### References

Committee on Standards in Public Life, 1995. The seven principles of public life. [Online]

Available at: https://www.gov.uk/government/publications/the-7-principles-of-public-life

Local Government Act, 1072 s.144. Power to encourage visitors and provide conference and other facilities. [Online]

Available at: <a href="https://www.legislation.gov.uk/ukpga/1972/70/section/144">https://www.legislation.gov.uk/ukpga/1972/70/section/144</a>

Local Government Act, 1972 s.100. Admission of public and press to local authority committee meetings. [Online].

Local Government Act, 1972 s.111. Subsidary powers of local authorities. [Online].

Local Government Act, 1972 s.85. Vacation of office by failure to attend meetings. [Online].

Local Government Act, 1972 Sch 12. Meetings and Proceedings of Local Authorities. [Online].

Local Government Miscellaneous Provisions Act, 1976 S.19.. Power to loan money. [Online].

Open Spaces Act 1906, s 10. Maintenance of open spaces and burial grounds by local authority.. [Online].

Planning and Highways Committee Terms of Reference, 2019. Planning and Highways Terms of Reference. [Online]

Available at: <a href="https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2020/01/2019-07-23-Adopted-TERMS-OF-REFERENCE.pdf">https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2020/01/2019-07-23-Adopted-TERMS-OF-REFERENCE.pdf</a>

Road Traffic Regulation Act 1984, s.57. General powers of parish or community councils for provision of parking places.. [Online].

Shaftesbury Town Council Code of Conduct, 2019. Code of Conduct. [Online]

Available at: <a href="https://www.shaftesbury-tc.gov.uk/images/STC\_Code\_of\_Conduct\_2012.pdf">https://www.shaftesbury-tc.gov.uk/images/STC\_Code\_of\_Conduct\_2012.pdf</a>

Shaftesbury Town Council Financial Regulations, 2019. Financial Regulations. [Online]

Available at: https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2019/07/Financial-Regulations-Adopted-14-May-2019.pdf

Tharmarajah, M., 2013. Local Council's Explained. 1st ed. London: NALC.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations, 2020. [Online].

Town and Country Planning Act, 190 sch.1 para.8. LPA notify parish of Planning Applications. [Online]

Available at: <a href="https://www.legislation.gov.uk/ukpga/1990/8/schedule/1/paragraph/8">https://www.legislation.gov.uk/ukpga/1990/8/schedule/1/paragraph/8</a>

Town and Country Planning Act, Section 106. private agreements made between local authorities and developers and can be attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms. [Online].

### 1 Apologies

To receive and consider for acceptance, apologies for absence (1 min)

(Local Government Act, 1972 s.85)

### 1.1 Background

1.1.1 The Council (including committees) should approve (or not) the reason for apologies given by absent councillors. If a council member has not attended a meeting of the council (or its committees) or has not tendered apologies which have been accepted by the council (or committee), for six consecutive months, they are disqualified.

#### 2 Declarations of Interest

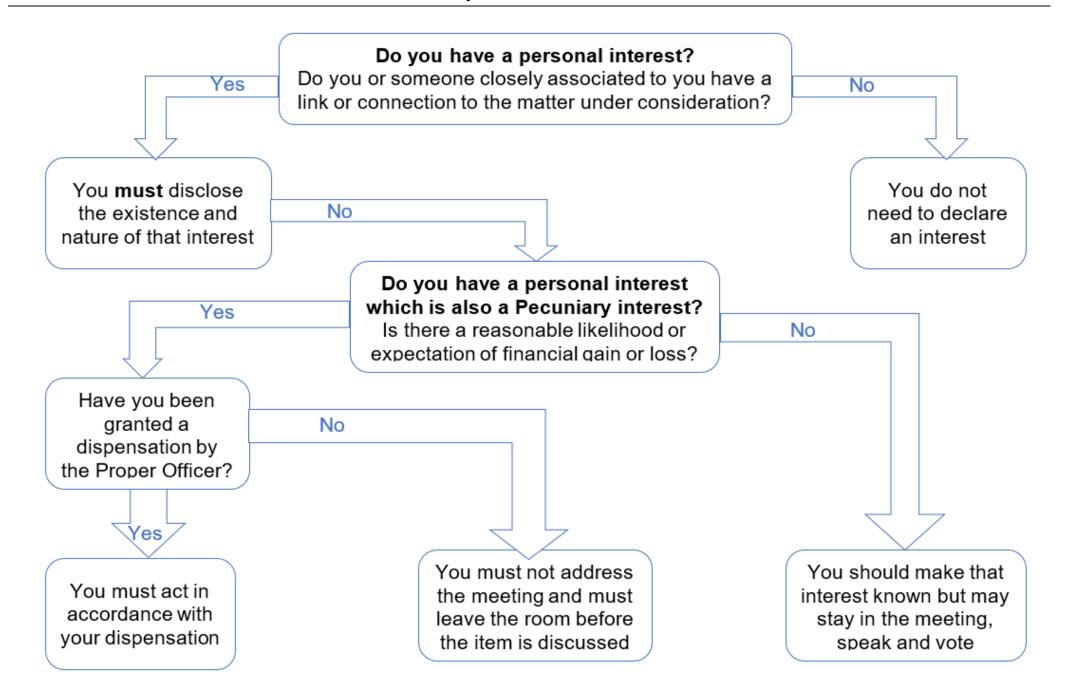
To declare any interests relating to the business of the meeting and receive any dispensation requests from the Clerk.

(1 min)

(Shaftesbury Town Council Code of Conduct, 2019)

### 2.1 Background

- 2.1.1 Members and Officers are reminded of their obligations to declare interests in accordance with the Code of Conduct 2019. The Clerk will report any dispensation requests received
- 2.1.2 Where a matter arises at a meeting which relates to a councillor's interest, the councillor has the responsibility of declaring that interest in accordance with the adopted code of conduct. (Shaftesbury Town Council Code of Conduct, 2019)



### 3 Planning Applications

To consider responses to planning applications to include but not be limited to; 2 Breach Lane, Shaftesbury Abbey and Gardens and Chase Lodge, Salisbury Rd. (20 min)

(Town and Country Planning Act, 190 sch.1 para.8)

### 3.1 Summary

3.1.1 The planning applications listed below have been received and require comments to be submitted to the Local Planning Authority. Prior to the meeting members are urged to view the planning applications using the link below and visit the site (with appropriate social distancing) to understand the local context.

### 3.2 Planning Applications

#### 3.2.1 P/FUL/2020/00006

Proposal: Change of use of public house with manager's flat to 1 No. dwelling

Location: Fountain Inn, 2 Breach Lane, Shaftesbury, SP7 8LE

#### 3.2.2 2/2020/1340/FUL

**Proposal:** Change of use from residential to general museum use.

Location: Shaftesbury Abbey Museum And Gardens, Park Walk, Shaftesbury, SP7 8JR

#### 3.2.3 P/LBC/2020/00023

**Proposal:** Remove and replace 4 No. windows and steel beam in cellar and carry out internal and external alterations in association to this (retrospective)

Location: Chase Lodge Salisbury Road, Shaftesbury, Dorset, SP7 8NW

### 3.3 Scheme of Delegation

3.3.1 The Committee is delegated to act as a Statutory Consultee on behalf of the Town of Shaftesbury in all planning matters relating to the Town and to decide Shaftesbury Town Council responses to consultations on planning and tree applications received from higher tier authorities and forward them in writing to the respective planning authority. (Planning and Highways Committee Terms of Reference, 2019) paras 1 and 3.

### 3.4 Legal Implication

- 3.4.1 The Town Council is a consultee but does not have the authority to determine planning applications. The Council has the power to be notified of planning applications affecting the Council's area and to comment (Town and Country Planning Act, 190 sch.1 para.8)
- 3.4.2 Planning applications are delegated to the Planning and Highways Committee for consideration (Planning and Highways Committee Terms of Reference, 2019, p. 2) but may be considered by the Full Council or the General Management Committee where time constraints apply.

#### 3.5 Recommendation

3.5.1 That the Council provides its response on the listed planning application and considers responses to applications received without notice, in the form of Support, No Objection or Objection.

#### 3.6 Reason for Recommendation

3.6.1 To fulfil the Council's responsibility and exercise its views as a Statutory Consultee.

#### 3.7 Additional Information

3.7.1 As part of Shaftesbury Town Council's response to planning proposals it needs to give material planning reason for its comments, be they of support or objection. Simply stating 'No Objection' or 'Support' is insufficient as there is a requirement to give the reasons for that decision.

Biodiversity Design

Economic Benefits Effect on the Appearance of Area

Flooding Issues Height

Heritage Impact on Access

Impact on Light Landscape

Local or Government Policy Noise/Disturbance

Other Overlooking/Loss of Privacy

Parking Residential Amenity
Road Safety Traffic or Highways
Trees Financial Implication

- 3.7.2 To assist here are a few examples as to how you might word something to give a material planning reason for your thoughts;
  - House Extension no objection as limited impact on amenity of neighbouring property/ object will have detrimental impact on neighbouring property
  - New dwelling support, design is in keeping with locality/ object design not in keeping with local area
  - Vehicular access support, will have no impact on road safety given proposed visibility splays/ object
     visibility is poor in this location and traffic speeds are high.

3.7.3 Biodiversity Policy - The Council's Planning and Highways Committee will consider sustainability, environmental impact and biodiversity when commenting on planning applications in Shaftesbury and also when developing or redeveloping any of its own buildings. The Committee will be informed by data provided by the Dorset Biodiversity Information System.

(End)

Report Author: Zoe Moxham, Office Administrator

### 4 Section 106 Review – Receive and Note

To inform the Council of the further investigation carried out as per the resolution on 28th October 2020. (20 mins)

(Local Government Act, 1072 s.144)

### 4.1 Summary

- 4.1.1 Resolution: On October 28th 2020 the Long Stay Car Park Project 1 And 2 And 3G proposal was presented to Shaftesbury Town Council. Officer report 0720FC4 was received and the following was RESOLVED to;
- 4.1.2 Delegate the management of the project plan to the Lead Councillor Alex Chase, supported by Piers Brown, George Hall and the Town Clerk and Business Manager in consultation with Dorset Council Officers and Directors of Shaftesbury Town Football Club and the Town Clerk be authorised to take all such steps as she considers necessary to comply with the Council resolutions insofar as they are set out below.
- 4.1.3 Sign off the high-level project plan including milestone review dates (as presented in the Project In Development (PID¹))
- 4.1.4 Further investigate Section 106 funding of £75,000 or more to support the project\*\*
- 4.1.5 Support the 3G project and allocate a sum of £100,000\* from General Reserves; to be repaid by Shaftesbury Town Football Club using a low-cost loan to payback the funds. The repayment funds to be

<sup>&</sup>lt;sup>1</sup> Project in Development

built into the lease agreement. (repayment plan to start after a one-year holiday to enable usage to be maximised first)

- \*Subject to review pending outcome of s.106 investigation (may be lower)
- 4.1.6 As per the Shaftesbury Town Council resolution further investigation has been undertaken on section 106 funding and this is presented in appendix A known as the Section 106 report.
  - \*\*A full section 106 review will be presented to Shaftesbury Town Council in the new year for review and decision.
- 4.1.7 There is flexibility with the following S106 developer contributions as shown in the comments section in the table below: Note: this is an excerpt from the Shaftesbury Town Council S106 report

Outdoor Sports provision 3G facility				
Purpose		Funding held	Comments	
Off-Site Play Areas Contribution From Land adjacent Greenacres, Salisbury Road (ENF 658)	NON PGN <sup>2</sup>	£39,813	If spent on play areas, this can include ongoing maintenance costs, e.g., 20 yrs. lifecycle maintenance, as there is no separate commuted sum (a capital sum provided to cover cost of ongoing maintenance). This funding also has the flexibility to be put towards any of the PGN projects outlined in Para 2.1 above. As part of that, there is now the flexibility, in principle, to put this funding towards a 3G pitch.	

<sup>&</sup>lt;sup>2</sup> Planning Guidance Note

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Shaftesbury PGN projects excluding Education from Mampitts	PGN	·	This funding came from the Salisbury Diocesan Board of Education and can be used towards any of the PGN projects outlined in Para 2.1 above, apart from Education. As part of that, there is now the flexibility, in principle, to put this funding towards a 3G pitch.
Road development (Enf 941)			

- 4.1.8 The sum of £105,738 *could* be used to support the 3G project. This sum represents a value of 7% of total Section 106 available now and from known future developments.
- 4.1.9 If Shaftesbury Town Council resolve to approve the S106 investment in the new year then this will supersede the need for additional Shaftesbury Town Council borrowing and/ or the use of reserves to top up the funds needed to deliver the 3G facility.

#### 4.2 Recommendation

4.2.1 To receive and note this report.

#### 4.3 Reason for Recommendation

4.3.1 For information only. No decision to be made.

(End)

Report Author: Brie Logan, Business Manager

### 5 3G Report

To present the project plan and 3G business case to Full Council for a decision on the 3G project. (40 mins)

(Open Spaces Act 1906, s 10)

### 5.1 Summary

- 5.1.1 Car Park 1 and Car Park 2 projects are intrinsically linked with the 3G project. For the purpose of clarity, the projects have been split to provide clear definition. This report refers to the 3G project.
- 5.1.2 On October 28th 2020 the Long Stay Car Park Project 1 and 2 and 3G proposal was presented to Shaftesbury Town Council. Officer report 0720FC4 was received and the following was PROPOSED to:
- Delegate the management of the project plan to the Lead Councillor Alex Chase, supported by Piers Brown, George Hall and the Town Clerk and Business Manager in consultation with Dorset Council Officers and Directors of Shaftesbury Town Football Club and the Town Clerk be authorised to take all such steps as she considers necessary to comply with the Council resolutions insofar as they are set out below.
- Sign off the high-level project plan including milestone review dates (as presented in the PID)
- Further investigate Section 106 funding of £75,000 or more to support the project
- Support the 3G project and allocate a sum of £100,000\* from General Reserves; to be repaid by Shaftesbury Town Football Club using a low-cost loan to payback the funds. The repayment funds to be

built into the lease agreement. (repayment plan to start after a one-year holiday to enable usage to be maximised first)

- \*Subject to review pending outcome of s.106 investigation (may be lower)
- 5.1.3 It was **PROPOSED** and **RESOLVED** to formally apply to the Secretary of State for borrowing £350,000 over 30 years. To seek the approval of the Secretary of State for Housing, Communities and Local Government to apply for a PWLB<sup>3</sup> loan to support the redevelopment costs associated with the 3G development at Shaftesbury Town Football Club. The annual loan repayments are £16,668 over 30 years at interest rate of 2.59% (interest rate as of date the report was produced) 'subject to the fully scoped detailed project plan'. The project plan to be presented to Full Council for a decision.
- 5.1.4 Shaftesbury Town Football Club was granted a 30-year lease in April 2019.
- 5.1.5 The detailed project plan for car park 1,2 and 3G is shown in appendix B
- 5.1.6 The 3G business case and feasibility study is shown in appendix C
- 5.1.7 The Section 106 information is presented separately in the receive and note report and the analysis is shown in **appendix A**
- 5.1.8 The 3G usage plan and comparison fees reports are shown in appendix D and D1
- 5.1.9 The 3G tender report will follow as appendix D2

<sup>&</sup>lt;sup>3</sup> Public Works Loan Board

### 5.2 Financial Implications

- 5.2.1 The total cost of the 3G is expected to be in the region of £470,000 as presented in the 3G business case in section 4, facility construction cost plan.
- 5.2.2 PWLB (Public Works loan Board) £350,000 over 30 years (as detailed in the Shaftesbury Football Club business Plan 2 x repayments of £8,334 per annum (this is based on the interest rate at the time of the production of the business case. Interest rates change daily)
- 5.2.3 Section 106 funding of £105,738 to be further explored and funding considerations to be presented to Full Council in the new year.
- 5.2.4 Local fundraising plans are in place to raise further funds to support the pitch development
- 5.2.5 The legal costs to revoke the current Shaftesbury Football Club lease and to issue a revised leased (detailing the enhanced asset) is expected to be £1,950.
- 5.2.6 Shaftesbury Town Council is the PWLB applicant and is the body responsible for managing the loan throughout the repayment process.
- 5.2.7 Shaftesbury Football Club will be invoiced twice per annum for the Shaftesbury Town Council loan repayments.
- 5.2.8 The income from the virtual permit system for Car Park 2 will be managed by Dorset Council as the registered Car Park Operative. The payments will be transferred to Shaftesbury Town Council via a mutually agreed Service Level Agreement to be agreed in January 2021

### 5.3 Legal Implication

- 5.3.1 The Council has the power to do anything that will facilitate the discharge of its duties. (Local Government Act, 1972 s.111)
- 5.3.2 The Council has the power to maintain open spaces. (Open Spaces Act 1906, s 10)
- 5.3.3 The Council has the General Power of Competence
- 5.3.4 The current Shaftesbury Football Club lease will be revoked and a new lease drawn up to reflect the enhanced asset to include Terms and Conditions relating to the 3G facility. The existing terms and conditions of the lease will be unchanged.
- 5.3.5 The 3G asset will be supported by a Community Interest Company / Charitable Incorporated Organisation and members will include Shaftesbury Football Club Directors and the Lead Councillor for the Football Club and the Business Manager plus one other nominated councillor.
- 5.3.6 The current Shaftesbury Football Club lease expires in April 2049. The PWLB borrowing would end in circa. April 2051 (dependant on when the PWLB is approved). It is prudent to link up the timescales so the borrowing and lease are in tandem with end dates.
- 5.3.7 A local council may lend money to any non-profit making organisation for the benefit of its inhabitants. (Local Government Miscellaneous Provisions Act, 1976 S.19.)

#### 5.4 Risk

5.4.1 Employees/ business owners choose not to migrate from Dorset Council car parks to the long stay at Shaftesbury Football Club. Risk is that these permit holder spaces will not free up car parking spaces

- for shoppers and visitors in the main Town Centre car parks. The business case from year 3 is based on full occupancy generating £8,986 of net income
- 5.4.2 Legal experts delay the process. Any delays could see key stakeholder withdrawal and the pitch not ready for the 2021 season. Delays would also impact the Academy starting in September 2021.
- 5.4.3 The usage plan does not reflect actual bookings and income is less than predicted forecast
- 5.4.4 The CIO (Charitable Incorporated Organisation)/ CIC (Community Interest Company) is not set-up before the launch of the new facility. (There have been delays at the charity commission)
- 5.4.5 The unknown costs of ground excavation will be identified via the tender process and may exceed the forecast of £470,000 for total project.
- 5.4.6 Section 106 funding of £105,738 consideration is not supported by Shaftesbury Town Council

#### 5.5 Recommendation

That Shaftesbury Town Council resolves to;

- 5.5.1 formally apply to the Secretary of State for borrowing £350,000 over 30 years. To seek the approval of the Secretary of State for Housing, Communities and Local Government to apply for a PWLB loan to support the redevelopment costs associated with the 3G development at Shaftesbury Football Club. The annual loan repayments are £16,668 over 30 years at interest rate of 2.59% (interest rate as of date the report was produced)
- 5.5.2 Adopt the project plan as shown in appendix B

- 5.5.3 Adopt the 3G business plan as shown in appendix C
- 5.5.4 Redraw and extend the Shaftesbury Football Club lease to 30 years so the STC borrowing and the lease end date is consistent
- 5.5.5 Approve the costs associated with the legal work to the total value of £1,950 to be drawn from professional and legal costs budget line
- 5.5.6 Approve the tender document for the 3G construction as shown in appendix D2

#### 5.6 Reason for Recommendation

5.6.1 As outlined in the summary.

(End)

Report Author: Brie Logan, Business Manager

### 6 Car Park 1 and 2 Report

To approve the resolutions in connection with the project plan for car park 1 and car park 2. (20 mins)

(Road Traffic Regulation Act 1984, s.57)

### 6.1 Summary

- 6.1.1 Car Park 1 and Car Park 2 projects are intrinsically linked with the 3G project. For the purpose of clarity, the projects have been split to provide clear definition. This report refers to the Car Park 1 and car Park 2 projects.
- 6.1.2 On October 28th 2020 the Long Stay Car Park Project 1 And 2 and 3G proposal was presented to STC. Officer report 0720FC4 was received and the following was PROPOSED to;
- 6.1.3 Delegate the management of the project plan to the Lead Councillor Alex Chase, supported by Piers Brown, George Hall and the Town Clerk and Business Manager in consultation with Dorset Council Officers and Directors of Shaftesbury Football Club and the Town Clerk be authorised to take all such steps as she considers necessary to comply with the Council resolutions insofar as they are set out below.
- 6.1.4 Progress has been made with the development of Car Park 1 and 2 projects and the following updates are presented to Full Council for resolution:
- 6.1.4.1 The detailed project plan for car park 1,2 and 3G is shown on appendix B
- 6.1.4.2 The draft tender report for car park 1 and 2 groundworks and resurfacing is shown in appendix E
- 6.1.4.3 The draft tender report for the Energy Hub is shown in **appendix F**

- 6.1.4.4 The Heads of Terms for the sub-lease with Tesco relating to car park 1 is presented in appendix G
- 6.1.4.5 The draft Parking Order document is presented in appendix H
- 6.1.4.6 The projected income and project costs for car park 1 is shown in **appendix I**
- 6.1.4.7 The projected income and project costs for car park 2 is shown in appendix J
- 6.1.4.8 CAD plan for car park1 (including the Energy Hub) is shown in appendix K and K1
- 6.1.4.9 CAD plan for car park 2 is shown in appendix L

### **6.2** Financial Implications

#### 6.2.1 Car park 1:

Line 4916 - £23,329. (Coppice Street 1 project) – funds allocated in 2019/ 2020 budget

Top up funds of £24,320 from General Reserves to meet the forecast of pre-project and actual project costs

Total investment by Shaftesbury Town Council - £47,649 (awaiting final costs – to be validated post the tender process)

#### 6.2.2 Car park 2:

Line 4929 £10,000 (managing parking and congestion) – funds allocated in 2019/20 budget

Top up funds of £44,112 from General Reserves to meet the forecast of pre-project and actual project costs

Total investment by Shaftesbury Town Council - £54,112 (awaiting final costs – to be validated post the tender process)

- 6.2.3 The legal costs for the sub-lease with Tesco is expected to be £1,500
- 6.2.4 The legal costs for the licence to sub lease from Dorset Council is expected to be £495

### 6.3 Legal Implication

- 6.3.1 The Council has the General Power of Competence
- 6.3.2 The Council has the power to provide parking provisions (Road Traffic Regulation Act 1984, s.57)
- 6.3.3 The Tesco agreement to sub lease the land to Shaftesbury Town Council for 10 years

#### 6.4 Risk

- 6.4.1 The pre-project start costs and actual project costs are greater than the 10-year income forecast (to be fully understood post the tender process)
- 6.4.2 Employees/ business owners choose not to migrate from Dorset Council car parks to the long stay at Shaftesbury Town Football Club. Risk is that these permit holder spaces will not free up car parking spaces for shoppers and visitors in the main town centre car parks.
- 6.4.3 The WC block does not have any hidden costs that are not identified within the survey

- 6.4.4 Community and potential car park users are not engaged with the project and car parks under-utilised based on forecast
- 6.4.5 The Business case that has been agreed by Dorset Council and Tesco cannot be amended as this was agreed by the Asset Board at Dorset Council.
- 6.4.6 Legal experts do not delay the process. Any delays could see key stakeholder withdrawal.

#### 6.5 Recommendation

- Shaftesbury Town Council resolves to:
- 6.5.1 To draw £24,320 from General Reserves into line 4915 (Coppice Street Car park) to increase project funds to required amount of £47,649
- 6.5.2 To draw £44,112 from General Reserves into line 4929 (managing congestion and parking) to increase project funds to required amount of £54,112
- 6.5.3 Approve the detailed project plan for car park 1,2 and 3G as shown on appendix B
- 6.5.4 Approve the draft tender report for the car park 1 and 2 groundworks and resurfacing as shown in appendix E
- 6.5.5 Approve the draft tender report for the Energy Hub as shown in appendix F
- 6.5.6 Approve the Heads of Terms for the sub-lease with Tesco relating to car park 1 is presented in appendix G

- 6.5.7 Endorse the draft Parking Order document is presented in appendix H
- 6.5.8 Approve the costs associated with the legal work to the total value of £1,995 to be drawn from professional and legal costs budget line

#### 6.6 Reason for Recommendation

6.6.1 As outlined in the summary.

(End)

Report Author: Brie Logan, Business Manager