



Shaftesbury Town Council

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To: Members of Shaftesbury Town Council (FC), Councillors Cook (Chair), Brown (Vice Chair), Chase, Hall, Hollingshead, Lewer, Loader, Proctor, Tippins, Welch and Yeo.
You are summoned to a meeting of the Full Council for the transaction of the business shown on the agenda below. To be held at 7.00pm on **Tuesday 28 July 2020** [online at Zoom.us](https://www.zoom.us).
Meeting ID: 841 0676 8348

All other recipients for information only

Claire Commons CerTHE PSLCC, Town Clerk and Responsible Finance Officer (RFO)
22nd July 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. Voting will be taken in turn as directed by the Chairman and should be by the response 'In Favour', 'Against', or 'Abstain'. The decision and summary of votes will be read back before moving to the next item. ([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](#))

Agenda

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	<i>(Local Government Act, 1972 s.102)</i>	
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	<i>(Local Government Act, 1972 s.102)</i>	

(End)

Anticipated meeting end time 8:30pm

Report 0720FC3 to a meeting of the Full Council
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- Town and Country Planning Act, 190 sch.1 para.8. *LPA notify parish of Planning Applications*. [Online]
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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.

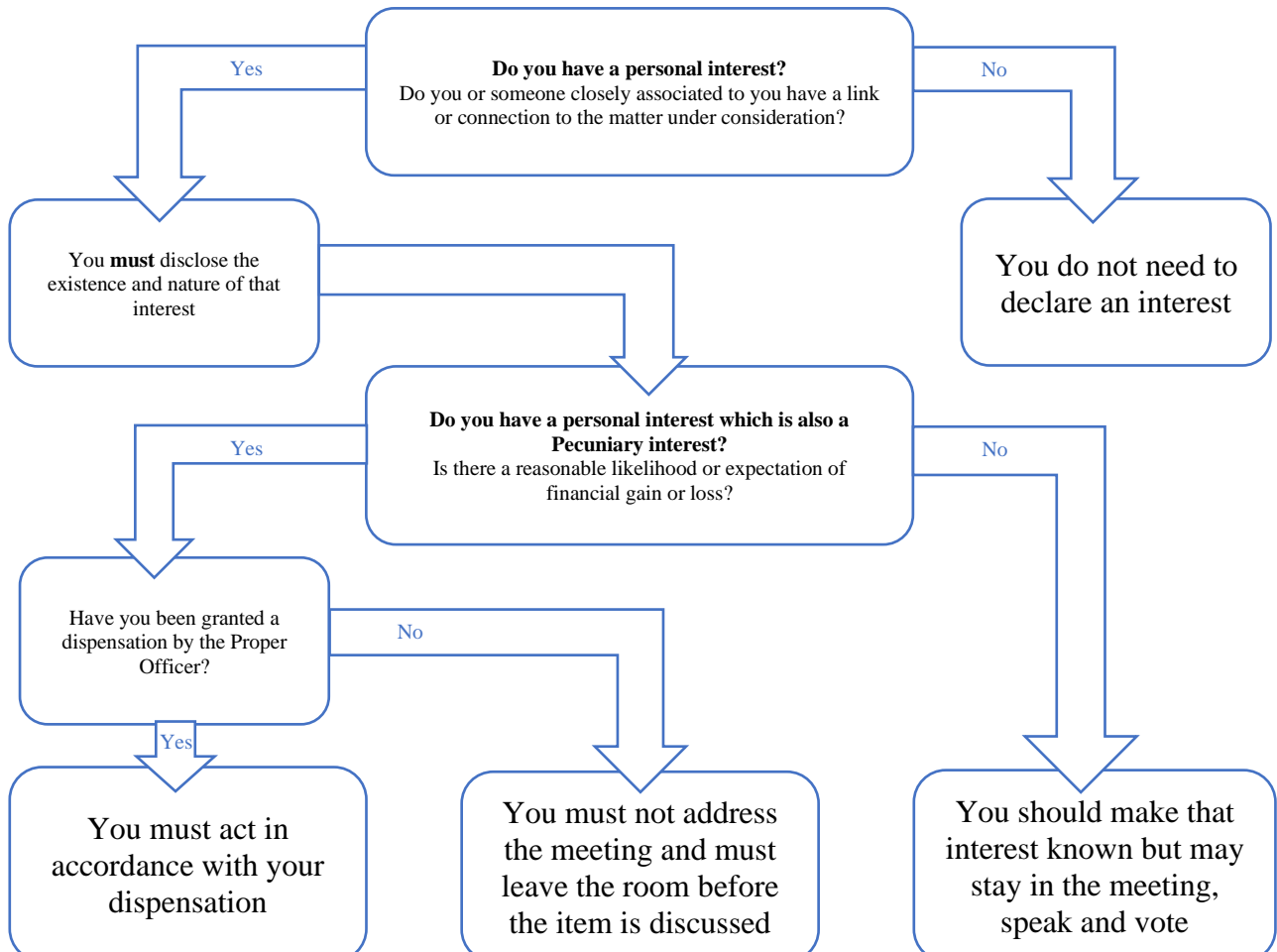
2 Declarations of Interest

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 Minutes

To confirm the minutes of the previous meeting of the Full Council.

(5 min)

[\(Local Government Act, 1972 Sch 12\)](#)

3.1 Background

3.1.1 When the meeting is approving the draft minutes of a previous meeting as an accurate record, the only issue for the meeting is whether the minutes accurately record the proceedings of the meeting and the resolutions made at them. It is irrelevant if the chairman or other councillors were not present at the meeting to which the draft minutes relate.

3.1.2 If it is necessary for the draft minutes of the previous meeting to be corrected because of an inaccuracy in them, then the amendments to the draft minutes must be approved by resolution. (Tharmarajah, 2013, p. 154)

3.2 Minutes to be adopted

3.2.1 Minutes to be adopted are provided through the hyperlinks against each of the dates below. Members should read them in advance of the meeting and satisfy themselves that they are a true record of the decisions taken.

3.2.2 [20th July 2020](#)

4 Reports for Information

To receive reports from Dorset Councillors, Mayor, local organisations and note delegated decisions. (5 min)

(Shaftesbury Town Council Scheme of Delegation, 2019)

4.1 Summary

4.1.1 The Council invites reports from external partners. These reports are to inform and give the opportunity for topics of note to be addressed at a later date by the Council or its committees. This agenda item does not provide for decisions to be taken on the content as it is likely that sufficient notice of the business to be transacted will not have been given.

4.1.2 Reports and minutes provided in advance are taken as read.

4.2 Scheme of Delegation and updates

4.2.1 There are no delegated decisions to report to the committee.

4.3 Recommendation

4.3.1 That the reports are received and any points of note are identified for future meetings of the Council or its committees or for action by officers of the Council.

4.4 Reason for Recommendation

4.4.1 To provide a minute record of information provided to members of the Council

4.5 Civic Report

4.5.1 Due to covid-19 there have been no civic engagements

4.6 Dorset Council Reports

4.6.1 Dorset Councillors are invited to provide a report at this point.

4.7 Code of Conduct

4.7.1 As provided in your councillor digest, the Local Government Association (LGA) has launched a consultation on a new model member code of conduct. The National Association of Local Councils writes;

High standards of conduct and behaviour are of huge importance to the local (parish and town) council sector as they are needed to protect the integrity of decision making, maintain public confidence, and safeguard local democracy.

NALC therefore strongly encourages local councils and county associations of local councils to consider the proposed new model member code of conduct and respond to the LGA consultation before the deadline of 17 August 2020.

We all know the impact that poor behaviour, bullying and harassment can have on individuals and on local councils as organisations, so it is vital we continue to work as a sector to improve standards and push for further reform, at both local and national level.

Therefore, while NALC will be responding to the consultation and engaging further with the LGA, we are also calling for further action by the government to introduce a new power for local authorities to suspend councillors for a period of up to six months, and for the Committee on Standards in Public Life

4.7.2 [Click here](#) to read the new model code of conduct
[Click here](#) to respond to the consultation

(End)

Report Author:

Claire Commons

Town Clerk & RFO

5 Committee Reports

To receive minutes and reports and consider recommendations from the Committees of the Council
(20 min)

[\(Shaftesbury Town Council Scheme of Delegation, 2019\)](#)

5.1 **Summary**

5.1.1 When a council delegates its responsibilities to a committee, sub-committee, officer or another local authority, they are acting for and on behalf of the council. The statutory authority for a delegation is found in Local government Act, 1972 s.101. (NALC, 2018)

5.2 **Recreation, Open Spaces and Environment Committee (ROSE)**

5.2.1 Minutes of the meeting of 20th July 2020 provided for information [\[click here\]](#)

5.2.2 Recommendations from the meeting of 20th July 2020;

R40 Local Cycleway

To resolve: That the development of phase 1 of the local cycleway circular route is approved and supported which includes the temporary cycle parking options as recommended by Dorset Council.

Delegation: Delegated to the Town Clerk and Business Manager in collaboration with Dorset Council Highways and Sustrans to manage phase 1 of the project and develop the second phase of the project based on the user-experience. Phase 2 of the project (permanent cycleway) will be presented to ROSE in Q3 of 2020. Phase 2 will also include further cycle parking options, highway enhancements at New Road and cycle ramp.

Budget: £1,000 from budget line 4944 allocated to phase one of the project to cover the costs of temporary signage and marketing of the cycleway.

5.3 **General Management Committee (GEM)**

5.3.1 Minutes of the meeting of 21st July 2020 provided for information [\[click here\]](#)

5.3.2 Recommendations from the meeting of 21st July 2020;

G96 Service Level Agreements – Citizen’s Advice Bureau and Open House

To resolve: To provide the Citizen’s Advice Bureau with a service level agreement

Delegation: Delegated to the Town Clerk in consultation with 2 nominated councillors to manage the content and monitor the delivery of each agreement.

Budget: To be determined by Full Council, please refer to Report 0720GEM8

To resolve: To provide Open House with a service level agreement

Delegation: Delegated to the Town Clerk in consultation with 2 nominated councillors to manage the content and monitor the delivery of each agreement.

Budget: To be determined by Full Council, please refer to Report 0720GEM8

5.4 Legal Implications

- 5.4.1 Dorset Council is the local highway authority (Highways Act, 1980) in respect of the Cycleway project
- 5.4.2 Every local authority shall make arrangements for the proper administration of their affairs and shall secure that one of their officers has responsibility for the administration of those affairs (Local Government Act, 1972 s.151)

5.5 Recommendation

- 5.5.1 That the Council resolves the three recommendations from Committees contained within this report

5.6 Reason for Recommendation

- 5.6.1 To determine matters which fall within the committee scheme of delegation for debate but exceed the delegation for determination.

(End)

Report Author: Claire Commons, Town Clerk & RFO

6 Planning Applications

To consider responses to planning applications to include but not be limited to;
6 Victoria Street and Land adjacent to Breach Lane

(15 min)

[\(Town and Country Planning Act, 190 sch.1 para.8\)](#)

6.1 Summary

6.1.1 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.

6.1.2 A request for extension of time to give comments has been requested to allow consideration of these by the Planning and Highways Committee. If that permission is granted prior to this Full Council meeting, members will be notified and given the option to defer to the committee.

6.2 Planning Applications

6.2.1 [Replace 2 No. ground floor windows and carry out all internal and external alterations associated with this work.](#)

[6 Victoria Street Shaftesbury SP7 8 AG](#)

[Ref. No: 2/2020/0862/LBC](#)

Applicant Name Rev Andrew & Mrs Alison Bowerman

6.2.2 [Dismantle existing poly-tunnel and re-erect on different site.](#)

[Land Adjacent To Breach Lane Shaftesbury Dorset](#)

[Ref. No: 2/2020/0871/FUL](#)

Applicant Name Mr & Mrs Nick and Danielle Clunies-Ross

Agent Name Mr Simon Rutter

6.2.3 [Erect 1 No. dwelling and detached garage, form new vehicular access and 4 No. parking spaces.](#)

[Land Adjacent To Breach Lane Shaftesbury SP7 8LD](#)

[2/2020/0899/FUL](#)

Applicant Name Mr & Mrs Nick and Danielle Clunies-Ross

Agent Name Proctor Watts Cole Rutter

6.3 Legal Implications

6.3.1 The Town Council is a consultee but does not have the authority to determine planning applications.

6.3.2 Planning applications are delegated to the Planning and Highways Committee for consideration (Shaftesbury Town Council, 2019, p. 2) but may be considered by the Full Council or the General Management Committee where time constraints apply.

6.4 Recommendation

6.4.1 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.

6.5 **Reason for Recommendation**

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

6.6 **Additional Information**

6.6.1 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

6.6.2 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.

(End)

Report Author:

Claire Commons, Town Clerk and RFO

7 Payments

To consider payments for authorisation

(5 min)

[\(Local Government Act, 1972 s.150\)](#)

7.1 Summary

7.1.1 Every local council must ensure that it has a sound system of internal control which facilitates the effective exercise of its functions and the achievement of its aims and objectives. The council must likewise ensure that its financial, operational and risk management is effective. (Clayden, 2019), (Accounts and Audit Regulations, 2015)

7.1.2 A list of payments is provided for review and authorisation

7.2 Scheme of Delegation

7.2.1 The Town Clerk is the Responsible Finance Officer to the Council and is responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

7.2.2 The Town Clerk is delegated to authorise routine expenditure within the greed budget

7.3 Financial Implications

7.3.1 The RFO is required to prepare a schedule of payments requiring authorisation to be presented to the council or finance committee. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of contract of employment) may be summarised to remove public access to any personal information. (Shaftesbury Town Council, 2019)

7.4 Legal Implications

7.4.1 Every parish council shall keep such accounts as may be prescribed of the receipts and payments of the council. (Local Government Act, 1972 s.150)

7.4.2 Every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs. (Local Government Act, 1972 s.151)

7.5 Recommendation

7.5.1 That the Council approves the payments from the Town Council's current account and minutes the resulting bank balance

7.6 Reason for Recommendation

7.6.1 Members should be satisfied with the payments being drawn on the Council's account and that there are sufficient funds to meet those commitments.

7.7 List of payments raised between 15th July and 21st July 2020

(see following page)

Report 0720FC7

Date Paid	Payee Name	Reference	Amount Paid	Authorized Ref	Transaction Detail
15/07/2020	Nat West	DD	38.90		Nat West Bank Charges
21/07/2020	Abbots	OL624	380.00		Food Vouchers 3 weeks
21/07/2020	Aqua cleaning Services	OL625	421.46		Hand Sanitiser for pool
21/07/2020	Aqua cleaning Services	OL626	48.00		Purchase Ledger Payment
21/07/2020	Partnership Fire and Security	OL627	939.60		Alarm Servicing Town Hall
21/07/2020	Dorset Waste Partnership	OL628	464.90		Refuse collection June-Sept
21/07/2020	Fenland Leisure Products	OL629	48.60		Bearings for swings
		Total Payments	2,341.46		

(End)

Report Author:

Claire Commons, Town Clerk and RFO

8 IT Provision

To consider uplift to the Council's server and IT system

(15 min)

[\(Local government Act, 1972 s.101\)](#)

8.1 Summary

- 8.1.1 The Council currently has a small business server which manages all the Town Council data storage including all council emails. It has not been 'supported' by Microsoft for a couple of years due to its age and it is past due for replacement / upgrade.
- 8.1.2 There are a few particular issues arising from having an onsite server which is no longer supported. These are mainly;
- Occasional loss of some functionality on the Outlook Web App
 - Requirement to carry out manual backups
 - Risk of hardware failure, especially as no longer supported
 - Insufficient for the Council's current and future requirements
- 8.1.3 Providers were asked to give their options for councillor emails on the .gov domain but with flexible access to be either through their preferred mail client on their own device or through a web based platform. They were also asked to consider the standard business operation of the Council and particular requirement for remote working not only during the current Covid-19 situation, but for future resilience of the Council. This links in with the Council's business continuity plan currently being reviewed.
- 8.1.4 Data to be held in a cloud based server with automatic backups and stored in the UK to be GDPR compliant.
- 8.1.5 Office staff should have Microsoft 365 on existing computers – the PC replacement programme would run separately to this agreement.
- 8.1.6 Support would be either a monthly contract or a 'pay as you go' – suppliers were asked for their professional opinion on which service would meet Shaftesbury Town Council needs.
- 8.1.7 Flexibility to run council specific software as well as standard Microsoft programmes.
- 8.1.8 All providers approached have experience working with the Town and Parish Council sector.
- ### **8.2 Financial Implications**
- 8.2.1 Please refer to the following table in conjunction with the detailed proposals provided in the Councillor Digest of 24th July and any updated reports provided following site audit on 25th July 2020.

8.3 Proposals

Supplier	Proposal	Notes																																																																																
Current	Small business server (unsupported by Microsoft), 5 x Microsoft 365 and 20 email address. Light remote support package																																																																																	
A1	<p><u>One Off Charges</u></p> <table border="0"> <thead> <tr> <th data-bbox="226 507 1048 528">Service</th> <th data-bbox="1052 507 1182 528">unit cost</th> <th data-bbox="1187 507 1413 528">quantity</th> <th data-bbox="1417 507 1731 528">one off charges</th> </tr> </thead> <tbody> <tr> <td data-bbox="226 531 1048 552">Managed Migration</td> <td data-bbox="1052 531 1182 552">£4.00</td> <td data-bbox="1187 531 1413 552">650</td> <td data-bbox="1417 531 1731 552">£2,600.00</td> </tr> <tr> <td data-bbox="226 555 1048 576">Subtotal</td> <td></td> <td></td> <td data-bbox="1417 555 1731 576">£2,600.00</td> </tr> <tr> <td colspan="3" data-bbox="226 624 1413 644"><u>Total One Off Charges</u></td> <td data-bbox="1417 624 1731 644"><u>£2,600.00</u></td> </tr> <tr> <td colspan="4" data-bbox="226 735 1731 756"> <u>Ongoing Monthly Charges</u></td> </tr> <tr> <td data-bbox="226 804 1048 825">Service</td> <td data-bbox="1052 804 1182 825">unit cost</td> <td data-bbox="1187 804 1413 825">quantity</td> <td data-bbox="1417 804 1731 825">one off charges</td> </tr> <tr> <td data-bbox="226 828 1048 849">ITD End User Business Hours Support</td> <td data-bbox="1052 828 1182 849">£15.00</td> <td data-bbox="1187 828 1413 849">17</td> <td data-bbox="1417 828 1731 849">£255.00</td> </tr> <tr> <td data-bbox="226 852 1048 873">EDEN CORE EUO Admin</td> <td data-bbox="1052 852 1182 873">£5.00</td> <td data-bbox="1187 852 1413 873">2</td> <td data-bbox="1417 852 1731 873">£10.00</td> </tr> <tr> <td data-bbox="226 876 1048 896">EDEN CORE EUO User</td> <td data-bbox="1052 876 1182 896">£1.25</td> <td data-bbox="1187 876 1413 896">17</td> <td data-bbox="1417 876 1731 896">£21.25</td> </tr> <tr> <td data-bbox="226 900 1048 920">Microsoft Office 365 E3</td> <td data-bbox="1052 900 1182 920">£17.60</td> <td data-bbox="1187 900 1413 920">5</td> <td data-bbox="1417 900 1731 920">£88.00</td> </tr> <tr> <td data-bbox="226 924 1048 944">Microsoft Office 365 E1</td> <td data-bbox="1052 924 1182 944">£6.00</td> <td data-bbox="1187 924 1413 944">12</td> <td data-bbox="1417 924 1731 944">£72.00</td> </tr> <tr> <td data-bbox="226 948 1048 968">EDENdesk Dedicated Host</td> <td data-bbox="1052 948 1182 968">£127.36</td> <td data-bbox="1187 948 1413 968">1</td> <td data-bbox="1417 948 1731 968">£127.36</td> </tr> <tr> <td data-bbox="226 971 1048 992">EDENdesk User License</td> <td data-bbox="1052 971 1182 992">£3.00</td> <td data-bbox="1187 971 1413 992">5</td> <td data-bbox="1417 971 1731 992">£15.00</td> </tr> <tr> <td data-bbox="226 995 1048 1016">Microsoft Windows Remote Desktop Services</td> <td data-bbox="1052 995 1182 1016">£5.94</td> <td data-bbox="1187 995 1413 1016">5</td> <td data-bbox="1417 995 1731 1016">£29.70</td> </tr> <tr> <td data-bbox="226 1019 1048 1040">Clustered Filer Storage (Standard) GB</td> <td data-bbox="1052 1019 1182 1040">£0.25</td> <td data-bbox="1187 1019 1413 1040">50</td> <td data-bbox="1417 1019 1731 1040">£12.50</td> </tr> <tr> <td data-bbox="226 1043 1048 1064">Hybrid Cloud Router (Virtual) / Small</td> <td data-bbox="1052 1043 1182 1064">£13.07</td> <td data-bbox="1187 1043 1413 1064">1</td> <td data-bbox="1417 1043 1731 1064">£13.07</td> </tr> <tr> <td data-bbox="226 1067 1048 1088">Mbps Internet Transit (Fixed Bandwidth)</td> <td data-bbox="1052 1067 1182 1088">£0.74</td> <td data-bbox="1187 1067 1413 1088">3</td> <td data-bbox="1417 1067 1731 1088">£2.22</td> </tr> <tr> <td data-bbox="226 1091 1048 1112">Subtotal</td> <td></td> <td></td> <td data-bbox="1417 1091 1731 1112">£646.10</td> </tr> <tr> <td colspan="3" data-bbox="226 1219 1413 1240"><u>Total One Off Charges</u></td> <td data-bbox="1417 1219 1731 1240"><u>£646.10</u></td> </tr> <tr> <td colspan="3" data-bbox="226 1299 1413 1319"><u>Price Per User</u></td> <td data-bbox="1417 1299 1731 1319"><u>£38.01</u></td> </tr> </tbody> </table>	Service	unit cost	quantity	one off charges	Managed Migration	£4.00	650	£2,600.00	Subtotal			£2,600.00	<u>Total One Off Charges</u>			<u>£2,600.00</u>	 <u>Ongoing Monthly Charges</u>				Service	unit cost	quantity	one off charges	ITD End User Business Hours Support	£15.00	17	£255.00	EDEN CORE EUO Admin	£5.00	2	£10.00	EDEN CORE EUO User	£1.25	17	£21.25	Microsoft Office 365 E3	£17.60	5	£88.00	Microsoft Office 365 E1	£6.00	12	£72.00	EDENdesk Dedicated Host	£127.36	1	£127.36	EDENdesk User License	£3.00	5	£15.00	Microsoft Windows Remote Desktop Services	£5.94	5	£29.70	Clustered Filer Storage (Standard) GB	£0.25	50	£12.50	Hybrid Cloud Router (Virtual) / Small	£13.07	1	£13.07	Mbps Internet Transit (Fixed Bandwidth)	£0.74	3	£2.22	Subtotal			£646.10	<u>Total One Off Charges</u>			<u>£646.10</u>	<u>Price Per User</u>			<u>£38.01</u>	‘Lite’ option, if budget concerns are a priority but has reduced functionality for Councillors.
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<p>B</p>	<p>Options between the Office 365 5 distinct packages.</p> <ul style="list-style-type: none"> • Microsoft 365 Business Basic (£3.80 user/month) • Microsoft 365 Business Standard (£9.40 user/month) 	<p>IT Audit for comprehensive costing being carried out on Saturday 25 July. Members will be updated following this visit.</p>																																																																												

Report 0720FC8

	<ul style="list-style-type: none"> • Microsoft 365 Business Premium (£15.10 user/month) • Office 365 E3 (£17.60 user/month) • Office 365 E5 (£30.80 user/month) <p>The main differences between the E3/E5 packages is that you get 24/7 support from Microsoft, and you have the ability to archive emails with unlimited storage. The non E3/E5 packages are limited to 50gb of email storage and 1TB of file storage for OneDrive.</p> <p>Choice between two main support packages;</p> <ul style="list-style-type: none"> • Monthly cost based upon number of employees/councillors. The average cost for this is around £30 per user per month, subject to a site audit. • Pay as you go service. £50 per hour, when remote support is used billed in increments of 30 minutes 	
C	<p>Supported / Managed services for 5 users £40 per month per person = £200 per month</p> <p>Office Hosted exchange for 15 users £3.50 per month per person - £52.50 per month</p>	<p>A very sophisticated system for remote desktop and support.</p>

8.4 **Legal Implications**

8.4.1 The Council has a duty to adequately and efficiently manage it's business (Local government Act, 1972 s.101)

8.4.2 The Council has a duty to process and manage data in accordance with legislation (Data Protection Act , 2018)

8.5 **Risk**

8.5.1 There is a risk that with the speed that the IT industry evolves, the provision and the Council needs may not remain in sync. This is mitigated by a constant review of provision and need as part of the relationship with the supplier.

8.6 Recommendation

8.6.1 That the committee resolves company B for provision of the Council's cloud based IT solutions (excluding website) and delegates to the Town Clerk the management of that service. This provision to be reviewed at least every 3 years.

8.7 Reason for Recommendation

8.7.1 The Council currently draws on the technical abilities of the Town Clerk in conjunction with the existing provider to manage IT solutions for the Council and troubleshoot when issues arise. Moving to an enhanced service will provide a more efficient and cost effective solution.

(End)

Report Author:

Claire Commons, Town Clerk and RFO

9 Member Motion – Standing Orders

To consider addition to Standing Order 4 – Committee and Sub-Committees

(5 min)

(Local Government Act, 1972 s.102)

To be referred to Committee (if yes, specify which committee)	No
Title of Special Motion	Update to Standing Orders concerning Members democratic rights at Committee Meetings
Proposed by	Councillor Andy Hollingshead
Seconded by	Councillor Alex Chase
Supported by (in accordance with Standing Order 26b)	Councillor Brown Councillor Hall Councillor Lewer Councillor Proctor Councillor Welch
Proposed Resolution	To resolve that Standing Orders be updated to read that: “to ensure the clarity of the democratic mandate only a Member who is a member of that Committee may sit at the table during a Committee meeting to exercise their duly constituted democratic rights to participate and to vote on that Committee. Nothing in this Standing Order prevents the Chair from inviting individuals who are not members of the Council to come to the table to speak at a committee meeting when it is in session.”

Background
(provided by the
proposer)

The National Association of Local Councils (NALC) has provided guidance on the issue of Members not being a Member of a committee attending and speaking at that committee. The guidance is contained in 'Local Councils Explained' and Legal Notes 1 and 5.

That guidance states: "A Member of a Council who is not appointed to a committee may attend a committee meeting as a member of the public. That councillor would have no right to participate in the meeting unless a member of the public has the same right".

In essence, this limits a non-voting Member to participation in a committee meeting only during the public session.

This has been NALC guidance for some time although the collaborative practice of this Council has been to allow non-voting Members to sit at committee meetings and to participate in discussion.

The External Auditor's report (Report 0320GEM6) has also noticed this practice but has recommended change. The pertinent section is here:

Control Area: Councillor attendance at committees

Issue: It would appear that when councillors attend committees of which they are not a member, they sit at the table rather than in the public area. This could cause confusion to other attendees at meetings.

Recommended Action: Only those on the committee should sit at the table with voting and participation rights.

Therefore, to avoid confusion at committee level and the weakening of democratic decision making, it is proposed that Council moves to regularise practice by updating Standing Orders in line with NALC and External Audit recommendations thus ensuring proper and effective democratic accountability and scrutiny.

10 Member Motion – Standing Order 3d

To consider addition to Standing Order 3d – Meetings Generally

(5 min)

[\(Local Government Act, 1972 s.102\)](#)

To be referred to Committee (if yes, specify which committee)	No
Title of Special Motion	Update to Standing Order 3 (d)
Proposed by	Councillor Andy Hollingshead
Seconded by	Councillor Alex Chase
Supported by (in accordance with Standing Order 26b)	Councillor Brown Councillor Hall Councillor Lewer Councillor Proctor Councillor Welch
Proposed Resolution	To resolve that Standing Order 3 (d) be updated to insert '(i)' immediately before the commencement of the first sentence; and to insert '(ii) Where the public are excluded from a Committee meeting due to the confidential nature of the business the exclusion shall apply to any member present who is not a member of that Committee.' immediately after the last word in the last paragraph.

Background
(provided by the
proposer)

The Public Bodies (Admission to Meetings) Act 1960 s. 1(1) requires that meetings of the council (and its committees) must be open to the public (which includes the press). However, the public may, under s.1(2) of the 1960 Act, be excluded for the whole or part of a meeting if it resolves that there is confidential business to be transacted or for other special reasons stated in the resolution. It is not lawful to exclude some of the public or the press. The exclusion must apply to all. (Note: the Act allows that the council may invite individuals to speak at a meeting (e.g. the council's solicitor, or other professional advisor or particular staff members) when it is in confidential session.)

The National Association of Local Councils (NALC) has provided guidance on the issue of Members not being a Member of a committee attending and speaking at that committee. The guidance is contained in 'Local Councils Explained' and Legal Notes 1 and 5.

That guidance states: "A Member of a Council who is not appointed to a committee may attend a committee meeting as a member of the public. That councillor would have no right to participate in the meeting unless a member of the public has the same right".

In essence, this limits a non-voting Member to participation in a committee meeting only during the public session.

The collaborative practice of this Council has been to allow non-voting Members to sit at committee meetings and to participate in discussion. However, this has not been extended to committee meetings that have resolved to go into confidential session. It has always been the principle that a committee in confidential session by virtue of that vote excludes not only the public but also members who are not members of the committee.

Therefore, to avoid confusion at committee level, it is proposed that Council moves to confirm this good practice by resolving to update Standing Orders.