



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 (FC), Councillors Hollingshead (Chair), Chase (Vice Chair), Brown, Cook, Hall, 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 20 April 2021¹** [online at Zoom.us](https://zoom.us).
Meeting ID: 899 1096 5112

All other recipients for information only

Claire Commons FdA (Comm Gov), Fellow SLCC, Town Clerk and Responsible Finance Officer (RFO)

7th April 2021

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](#))

Agenda

- | | | |
|----------|--|---------------------|
| 1 | APOLOGIES
To receive and consider for acceptance, apologies for absence
<i>(Local Government Act, 1972 s.85)</i> | 3
(1 min) |
| 2 | DECLARATIONS OF INTEREST
To declare any interests relating to the business of the meeting and receive any dispensation requests from the Clerk.
<i>(Shaftesbury Town Council Code of Conduct, 2019)</i> | 3
(1 min) |
| 3 | MINUTES
To confirm the minutes of the previous meetings of the Full Council | 4
(5 min) |

¹ This meeting was postponed from 13th April 2021 due to the period of mourning of HRH Prince Philip and in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 s.4

(Local Government Act, 1972 s.111)

- 4 REPORTS FOR INFORMATION 5**
To receive reports from Dorset Councillors, Mayor, local organisations and note delegated decisions (5 min)
(Shaftesbury Town Council Scheme of Delegation, 2019)
- 5 COMMITTEE REPORTS 7**
To receive minutes and reports and consider recommendations from the Committees of the Council (5 min)
(Shaftesbury Town Council Scheme of Delegation, 2019)
- 6 PAYMENTS 9**
To consider payments for authorisation (5 mins)
(Local Government Act, 1972 s.150)
- 7 UPCOMING MEETINGS 11**
To consider options to for the possible return to face to face meetings (15 mins)
(Local Government Act, 1972 Sch 12)
- 8 WAR MEMORIAL 18**
To receive a report from the Clerk in relation to the town's War Memorial. (5 mins)
(War Memorials (Local Authorities' Powers) Act, 1923)
- 9 PLANNING APPLICATIONS 20**
To consider responses to planning applications to include but not be limited to; 15 Tanyard Lane and 33 St James Street and 28 Bimport (10 min)
(Town and Country Planning Act, 190 sch.1 para.8)
- 10 PLANNING APPEAL A/2/2020/0562/FUL – 4 HAIMES LANE 22**
To consider a response to the planning appeal for A/2/2020/0562/FUL, 4 Haimes Lane (5 mins)
(Town and Country Planning Act, 190 sch.1 para.8)
- 11 COPPICE STREET - CAR PARK 1 AND 2 TENDER DOCUMENT 24**
To approve the revised scope of works as outlined in the updated Tender Document. (10 min)
(Shaftesbury Town Council Scheme of Delegation, 2020)
- 12 3G OPTION TO TAX RESOLUTION 26**
To consider an option to tax the land at Coppice Street leased to the Football Club (15 mins)
(Shaftesbury Town Council Financial Regulations, 2020)
- 13 SPINE ROAD 28**
To consider the Planning and Highways recommendation and agree next steps pertaining to the Spine road report (15 mins)
(Shaftesbury Town Council Financial Regulations, 2020)

(End)

Anticipated meeting end time 9:00pm

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.

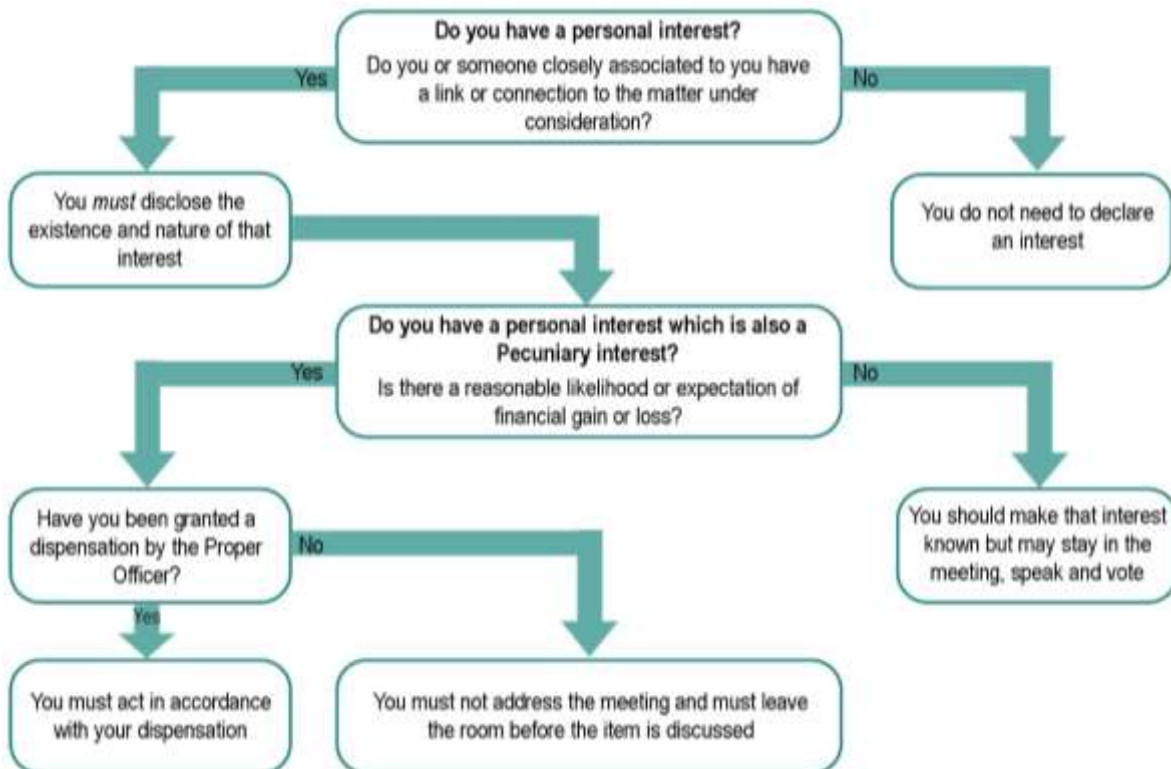
2 Declarations of Interest

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 meetings of the Full Council (5 min)
([Local Government Act, 1972 s.111](#))

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 Full Council – [9th March 2021](#)

3.3 Digital Signatures

3.3.1 Under English law a signature is anything that is used with the intention of being a signature. Thus, a signature can be a “wet” signature (or sign manual) but it can also be a seal, a typed name or anything else that the person appending it to a document intends as a signature. In some circumstances a specific form of signature is required (such as a seal for a deed on behalf of a Town Council) but there is no specific requirement in respect of a signature on Town Council minutes. Therefore, software such as Adobe Sign can be used to sign minutes.

3.4 Recommendation

3.4.1 That digital signatures of the relevant chairs are retrospectively appended to minutes where they have been approved by Council or their respective Committee during the coronavirus pandemic and that minutes from this date forward are signed using adobe sign software or any subsequent signature software that the Council might employ.

3.5 Reason for Recommendation

3.5.1 To provide a covid-secure way of signing minutes of meetings held by online meetings of the Council and to provide a secure method of signatures on minutes which can be made available on the Council’s website.

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.
- 4.1.3 Actions from FC meeting March 9th
- 4.1.4 Clerk to reply to the questions from James Hughes
- 4.1.5 Policies adopted; Trees, Benches and Rose Garden Memorial Policy, Scattering of Ashes Policy, Hire of Council Land Policy and Cash Handling Policy. – *Updated and published on the website*
- 4.1.6 Amend short form for hire of council land – *Updated and published on the website*
- 4.1.7 Amend financial risk assessment - Updated and published on the website
- 4.1.8 Clerk to correct error on earmarked reserves - Done
- 4.1.9 Submit response for Dorset Local Plan - *Submitted*
- 4.1.10 3G tender selection – C & S Slatter appointed as contractor for the 3G contract.
- 4.1.11 Digital Marketing – Rocketbox appointed to manage the Digital Marketing Service Level Agreement for 12 months.
- 4.1.12 Water Refill agreement sign - Done
- 4.1.13 Website provision – website provider selected and designs and migration in progress
- 4.1.14 Actions from FC meeting January 12th
- 4.1.15 Allotment Tender Selection – Contract awarded, and work started

4.2 Civic Report

- 4.2.1 Due to Coronavirus restrictions, there are no physical civic engagements to report on. The Mayor may choose to speak to this item.

4.3 Dorset Council Reports

Report 0421FC4 to a meeting of the Full Council
Tuesday 20 April 2021

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

4.4 Lead Councillor and Local Organisation Reports

4.4.1 No reports have been received in advance from Lead Councillors or Local Organisations.

4.5 Recommendation

4.5.1 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.

4.6 Reason for Recommendation

4.6.1 To provide a minute record of information provided to members of the Council
(End)

Report Author: Zoe Moxham, Officer Administrator

5 Committee Reports

To receive minutes and reports and consider recommendations from the Committees of the Council (5 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)

5.1.2 Minutes for each committee are provided for information using the hyperlinks below and any recommendations for Full Council to consider are noted.

5.2 **Human Resources Committee** [4th March 2021](#)

5.2.1 Officer report 0321HR4 was received and it was recommended to Full Council to delegate to the Clerk the management of documents provided by the Council's External Human Resources Provider. Any contradictions with existing council policy will be resolved by the Human Resources Committee. Documents to be made available for viewing by members on request subject to any extant data protection matters.

5.3 **Planning and Highways Committee** [16th March 2021](#)

5.3.1 Officer report 0321PH7 was received and it was **RESOLVED** to recommend to Full Council to work with the statutory authorities and other agencies to find ways to manage the historic issues and work on a potential solution.

5.4 **Recreation, Open Spaces and Environment Committee** [23rd March 2021](#)

5.4.1 Officer report 0321ROSE5 was received and it was **RESOLVED** to recommend to full council no changes to the Terms of Reference. – This to be resolved at the Annual Meeting.

5.5 **General Management Committee** [30th March 2021](#)

Officer report 0321GEM06 was received and the following was RESOLVED to approve [Anti Bribery Policy](#) with the amendments and recommend them to Full Council for adoption.

It was **PROPOSED** and **RESOLVED** approve the [Grant Awarding Policy](#) in its current draft and recommend them to Full Council for adoption.

5.6 **Recommendation**

5.6.1 That the Council resolves the recommendations from Committees contained within this report, namely;

Report 0421FC7 to a meeting of the Full Council
Tuesday 20 April 2021

- 5.6.2 To delegate to the Clerk the management of documents provided by the Council's External Human Resources Provider. Any contradictions with existing council policy to be resolved by the Human Resources Committee. Documents to be made available for viewing by members on request subject to any extant data protection matters.
- 5.6.3 To resolve to work with the statutory authorities and other agencies to find ways to manage the historic issues and work on a potential solution as recommended by the Planning and Highways Committee.
- 5.6.4 To adopt the Anti Bribery Policy and Grant Awarding Policy as recommended by the General Management Committee.

5.7 Reason for Recommendation

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

(End)

Report Author, Zoe Moxham, Office Administrator

6 Payments

To consider payments for authorisation (5 mins)
(Local Government Act, 1972 s.150)

6.1 Summary

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

6.1.2 A list of payments is provided for review and authorisation

6.2 Scheme of Delegation

6.2.1 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.

6.2.2 The Town Clerk is delegated to authorise routine expenditure within the agreed budget

6.3 Financial Implications

6.3.1 The RFO is required to prepare a schedule of payments requiring authorisation to be presented to the council or finance committee. (Shaftesbury Town Council Financial Regulations, 2020)

6.4 Legal Implications

6.4.1 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)

6.4.2 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)

6.5 Recommendation

6.5.1 That the Council approves the payments on the following page from the Town Council's current account and minutes the resulting bank balance. The balance at the point of the report being issued is £207,053.

6.6 Reason for Recommendation

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

Report 0421FC6 to a meeting of the Full Council
Tuesday 20 April 2021

6.7 Invoices for Approval - -Pay by BACS/Online File

Angel Springs Ltd [ANGEL]					
28/02/2021	6113791	Water Cooler	28/02/2021	12.36	12.36
Clarity Copiers Ltd [CLARITY]					
31/03/2021	122121 18.00	Printing March	31/03/2021	18.00	0.00
DAPTC					
23/03/2021	21/084	FOR e-learning course	22/04/2021	14.00	14.00
Fenland Leisure Products [FENLAND]					
18/03/2021	039612	Ground pins for grass mats	17/04/2021	41.40	41.40
JRB Enterprise Ltd [JRB ENTERP]					
16/03/2021	22268	Dog bags for dispensers	16/03/2021	133.14	133.14
Proprint					
25/03/2021	4580	Wild Flower Signs	25/03/2021	63.00	63.00
Cliff Skey [SKEY]					
06/03/2021	35	Town Crier 2020/21	05/04/2021	300.00	300.00
Travis Perkins [TRAVPERK]					
22/03/2021	9054AQP911.	Post and fittings for cycle si	22/03/2021	247.26	247.26
Vale Tree Surgeons [VALETREE]					
19/03/2021	4128	Tree works as per management r	19/03/2021	5,464.80	5,464.80
Wessex Water [WATER]					
16/03/2021	2057333998	Water Rates Cemetery	15/04/2021	82.42	82.42
TOTAL OF INVOICES DUE PURCHASE LEDGER				6376.38	0.00
6376.38					

6.8 Cash Book payments for approval

<u>Date Paid</u>	<u>Payee Name</u>	<u>Reference</u>	<u>Amount Paid</u>	<u>Authorized Ref</u>	<u>Transaction Detail</u>
31/03/2021	Dorset Pension Fund	ONLINE	4,606.03		Dorset Pension Fund- March
31/03/2021	HMRC March Wages	ONLINE	5,629.82		HMRC March Wages
Total Payments			10,235.85		

7 Upcoming Meetings

To consider options to for the possible return to face to face meetings (15 mins)
(Local Government Act, 1972 Sch 12)

7.1 Summary

7.1.1 The regulations that currently allow local authorities to hold meetings remotely until 06 May 2021 will not be extended by the Government, and so local authority meetings in England will need to be in person from 07 May.

7.1.2 The Association of Democratic Services Officers (ADSO), Lawyers in Local Government (LLG) and Hertfordshire County Council have lodged a legal challenge in the High Court to seek a continuation of local authority remote meetings beyond the 06 May 2021. The court date has not been listed, and the outcome is not guaranteed and so the Council needs to consider how it wishes to move forward.

7.1.3 In addition, there is also still much uncertainty around how legislation or COVID-19 risks and restrictions may change over the coming weeks and months.

7.1.4 NALC's position remains that all local councils should continue to meet remotely while the regulations are in force. The guidance in Annex 1 has been written to help local councils prepare for remote council meetings being unlawful from 07 May 2021.

7.1.5 The Council has several options available to it which are set out in the recommendations below.

7.1.6 The Council should also consider how it wishes to address the requirement to hold an Annual Town Meeting. These are set out in legislation but the requirement was removed under the 2020 Regulations. The Council cannot reasonably hold one in person within the legislative timeframe (between 1st March and 1st June inclusive). The removal of the 2020 Regulations part way through this timeframe presents a complication. The Clerk will speak further to this item.

7.2 Option 1 – Continue to meet virtually

7.2.1 Although, technically not permitted, this route is being suggested by some other Councils. Although the risk of legal challenge is low, decisions could be challenged in the courts as ultra-vires.

7.2.2 The 1960 Admission to Meetings Act and the Local Government Act 1972 are understandably silent on the matter of online meetings. In the most recent correspondence from Government they have advised that public attendance at Council meetings should continue to happen online for the time being where possible. In other words, online openness to the public is neither prohibited nor enabled by the 1960 or 1972 Acts.

7.2.3 There is existing case law that says that "a valid meeting normally consist of people who can both see and hear each other" (Byng v London Life Association (1989) 1 All ER 560) and back in March 2012 the government acknowledged this in their advice to charities about attendance at meetings.

7.2.4 A valid meeting normally consist of people who can both see and hear each other" (Byng v London Life Association (1989) 1 All ER 560) and back in March 2012 the government acknowledged this in their advice to charities about attendance at meetings.

<https://www.gov.uk/government/publications/charities-and-meetings-cc48/charities-and-meetings#the-definition-and-forms-of-a-meeting>

7.3 Option 2 - Temporary Scheme of Delegation to the Clerk

7.3.1 This would be backed up by the meetings plan as usual. This would mean that Committee and Full Council meetings could go ahead virtually and instead of making decisions, would recommend decisions to the Town Clerk, who would then enact those recommendations under the temporary delegation (draft Scheme of Delegation in Appendix 2.) The scheme would remain in place until Councillors decided that a return to face-to-face meetings was safe, or that the delegation should cease for any other reason.

7.3.2 A meeting would need to be held on 04 May for the only two items for the meeting planned for 19 May 2021 that cannot be delegated to the Clerk – the election of Chair and the election of Vice-Chair.

7.3.3 The only other item that is in the forward plan that cannot be delegated to the Clerk is signing off the Annual Governance and Audit statements. This needs to be done by 30 June and we will need to think of a route for this. Possibly a single item meeting with a pre-agreed quorate in attendance, or an outdoor meeting if a larger venue is not available or is too expensive.

7.4 Option 3 – Hold face-to-face meetings

7.4.1 The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 includes an exception (exception 3) that a gathering is allowed where it is necessary for certain purposes which include "for work purposes or the provision of voluntary or charitable services." Members/officers attending a meeting would fall under this. Additionally, in the letter dated 25 March 2021, from Luke Hall MP recommendations are given on how to hold safe Council meetings, which infers that it would be legal to hold them.

7.4.2 However, provision should be made to enable to public to view the meeting online and currently the Council does not have the technology in place to allow this to happen to a high enough quality.

7.4.3 The holding of face-to-face meetings could pose a reputational risk to the Council if public perception is that these should not be held until restrictions are lifted.

- 7.4.4 The Council will also need to take into account the fears and concerns of Councillors and Officers over returning to face-to-face meetings whilst restrictions are still in place. Particularly those who are unvaccinated, are shielding, or have other health concerns.
- 7.4.5 Appendix 1 contains detailed advice from NALC.
- 7.5 Option 4 – Cancel meetings until restrictions are lifted or online meetings are legislated for**
- 7.5.1 The Council is required to meet four times in the year and councillors are required to attend a meeting or act in their capacity as a councillor at least once in every six months.
- 7.5.2 The Council may resolve to suspend meeting until such time as all covid restrictions are lifted or until virtual meetings are legislated for.
- 7.6 Financial Implication**
- 7.6.1 There are no financial implications arising from this report
- 7.7 Legal Implication**
- 7.7.1 The requirement for council meetings is set out in the Local Government Act 1972 schedule 12.
- 7.7.2 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 2020 Regulations”) came into force on 4 April 2020. Broadly speaking, the 2020 Regulations enable local councils and parish meetings to hold remote meetings (including by video and telephone conferencing) for a specified period until 6th May 2021. They also remove the requirement to hold an annual meeting
- 7.8 Risk**
- 7.8.1 Risk of option 1 is that decisions are open to challenge. There is no mitigation for this option
- 7.8.2 Risk of option 2 is that decisions are not taken democratically or transparently. The mitigation for this is for meetings to continue in public online and the Clerk acts on the direction provided by the meeting.
- 7.8.3 Risk of option 3 is that meetings cannot be safely held within the current coronavirus regulations. Mitigation by holding in the Guildhall socially distanced presents additional issues with sound and with the limited number of members of the public that would be able to attend. Additionally there is a risk that the Council is meeting in person when the government guidance is still to stay at home.

7.8.4 Risk of option 4 is that Council business is significantly impacted whilst decision cannot be made at meetings.

7.9 Recommendation

7.9.1 That the Council resolves option 2 for continuation of council meetings and business

7.9.2 That the Council resolves to hold an Annual Town Meeting on 29th April 2021 online.

7.10 Reason for Recommendation

7.10.1 Option 2 provides continuity of Council business and the greatest level of transparency by holding meetings in the same format as it has over the last twelve months whilst still acting within the law in respect of both the Local Government Act 1972 and the Coronavirus restrictions which are otherwise at odds with each other.

7.10.2 Holding an Annual Meeting online will ensure that the ability to hold online meetings will be within the Regulations and the requirement once regulations are removed will be met because the meeting was held within the required timescale.

Appendix 1 – NALC advice

To help local councils prepare for this possibility some advice and suggestions are below:

- Consider what council business can be conducted before May so that the council can dedicate time to those issues in remote meetings. The more discussion and decisions you can conduct in remote meetings means the council can aim to hold fewer and shorter face to face meetings after May.
- This may require more meeting time than is currently planned, so the council should look at the meeting schedule in the run-up to May and see if more time or more meetings are required. Where possible, consider holding the annual council meeting and the parish meeting while the current Regulations permit for them to be held remotely.
- Consider when the council does need to meet face to face, and whether meetings can be delayed to later in the year when the potential COVID-19 risk may be further reduced.
- The council might consider holding a remote meeting as late as possible in April so that councillors who are unable to attend face-to-face meetings will have as much time as possible before disqualification by virtue of s.85 of the Local Government Act 1972 becomes an issue.
- It may help the council's business continuity to implement (or review) a scheme of delegation. This would allow the clerk to make certain decisions for the council, which would be especially important if the council were unable to hold meetings due to COVID-19 risks. In reviewing/adopting a scheme of delegation the council should ensure there is clarity around which decisions are delegated and which are not, for how long the scheme of delegation is in place, and when the scheme of the delegation will end or be reviewed.

From May 2021, as face-to-face council meetings resume there will still be the risk to attendees of COVID-19 exposure. Councils should conduct a risk assessment in advance of a face to face meeting which should give consideration to what the council can do to reduce risk to councillors, staff and public including:

- Providing hand sanitiser to those entering the meeting room and making sure hand sanitiser is readily available in the room itself
- Staggering arrival and exit times for staff, councillors and members of the public
- Putting a one way system in place (additional staff may be needed and this could only work if the Guildhall was used and the lobby incorporated as part of the one way system)
- Placing seating at least 2-metres apart
- Ensuring everyone wears face masks
- Holding paperless meetings
- The sharing of papers should be discouraged and people should be asked to take the papers etc with them at the end of the meeting to minimise how many people handle them
- Arranging seating so people are not facing each other directly
- Choosing a venue with good ventilation, including opening windows and doors where possible (be mindful of the impact of this in cold weather)
- Choosing a large enough venue to allow distancing – this may mean choosing a different venue to what the council used before such as the Guildhall.
- The council (or venue owner/operator) will need to identify the venue's maximum capacity in their risk assessment, taking into account the need for social distancing. Consider how the council will ensure this capacity is not exceeded and how it will

manage the situation if more people wish to attend than capacity allows. For example, could meetings be live-streamed or could members of the public submit questions via email?

- If the venue has an NHS QR code to support test and trace then all attendees should register using that app, for those without access to the app they should register attendance in line with the venue's test and trace procedure. NB all venues in hospitality, the tourism and leisure industry, close contact services, community centres and village halls must have a **test and trace procedure**
- Venues must conform with the government guidance for **multi-purpose community facilities** and for **council buildings**. If the venue is run by the council then the council must take responsibility for this, otherwise, the council can ask the venue to provide confirmation that they do conform to this guidance
- The council must understand and ensure it is acting in compliance with the latest government **safer workplaces guidance**

STC staff will carry out a full risk assessment if and when needed, the above is to demonstrate the complexities of holding a face-to-face meeting to Councillors and is not intended to be discussed in detail at this point.

Managing staff:

- It would be advisable to inform the clerk and any other staff whose role involves supporting or attending council meetings, as soon as possible that the council will need to prepare to return to face to face meetings from May onwards. This will allow them to make the necessary preparations as described above, and also to allow time to engage with staff to alleviate any concerns they may have related to attending physical meetings again.
- Councils should consult with staff (ask for and consider their views to try and reach an agreement) about returning to work as part of their preparations for face to face meetings.
- The council must make the workplace (including council meetings) as safe as possible for staff, this includes undertaking a risk assessment, taking reasonable steps to reduce risks identified in the risk assessment, and ensure it is acting in compliance with the latest Government **safer workplaces guidance**
- ACAS have produced useful **guidance for employers and employees** related to COVID-19, including advice on how to support staff to **return to the workplace** and how to manage situations where staff may be worried or not wish to return.

Government advice is available here: <https://www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-council-buildings>

Annex 2 – Temporary Scheme of Delegation

Temporary Scheme of Delegation

1. Section 101 of the Local Government Act 1972 provides:
 - That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
 - A Committee may delegate its powers to an officer.
2. Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law.
3. The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.
5. In an emergency the Proper Officer is empowered to carry out any function of the Council
6. Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

Delegation to The Proper Officer

7. As a temporary measure, to allow for effective decision making whilst Covid-19 restrictions and considerations are in place, the Proper Officer may be empowered to take any and all decisions recommended to them by the relevant Committee or Full Council
8. This empowerment does not affect the delegations already in place via Standing Orders or Financial regulations.
9. The Proper Officer may not take additional decisions that would normally be taken by a Committee or Full Council unless that Committee or Full Council has met in a meeting suitably convened under the requirements of the Local Government Act 1972, and made available to the public to view (where not covered by confidentiality) and expressly agreed for that decision to be enacted via this temporary delegation.

Full Council matters

9. The following items are reserved for Full Council decision only and cannot be delegated to an Officer.
 - To appoint the Chairman and Vice-Chairman in May each year
 - To sign off the Governance Statement by 30 June each year
 - To set the Precept
 - To appoint the Head of Paid Service (Town Clerk)
 - To make byelaws
 - To borrow money
 - To consider any matter required by law to be considered by Council

8 War Memorial

To receive a report from the Clerk in relation to the town's War Memorial. (5 mins)
([War Memorials \(Local Authorities' Powers\) Act, 1923](#))

8.1 Summary

- 8.1.1 The Town has various monuments and memorials in remembrance of those who have fallen during various conflicts;
- Park Walk War Memorial
 - Enmore Green Memorial Lamppost
 - Cann War Memorial
 - Rifles Monument (Mampitts Cemetery)
 - Memorial Stones (Eastern Development)
- 8.1.2 The Rifles Monument was given by the Town Council to Shaftesbury Charitable Trust which included all future costs in relation to maintenance. The Council holds a small amount of funds for maintenance of this which it is in the process of arranging to be transferred to the Shaftesbury Charitable Trust for that purpose.
- 8.1.3 The war memorial on Park Walk was last cleaned in 2013. It is recommended that the Council seeks quotes for cleaning the memorial and also requests prices and recommendations for minor and more strategic repair and maintenance. These quotes would also identify any works on the other memorials that the Town Council is responsible for.
- 8.1.4 This item is in front of you for decision following a request for an agenda item from the Royal British Legion and Councillor Yeo.

8.2 Scheme of Delegation

- 8.2.1 The Town Clerk has delegation to manage all the Town Council's services and property, together with routine inspection in line with the budgets and policies approved by members.

8.3 Financial Implication

- 8.3.1 There is no direct expenditure at this point. A further report will be provided to the Council identifying required works and costs.

8.4 Legal Implication

- 8.4.1 A local authority may incur reasonable expenditure in the maintenance, repair and protection of any war memorial within their district whether vested in them or not.

(War Memorials (Local Authorities' Powers) Act, 1923) and (Local Government Act, 1948 s.133)

8.5 Recommendation

8.5.1 That the Council directs officers to seek recommendation on the cleaning and repair schedule for its monuments and memorials noting that this excludes the monument at the Mampitts Cemetery which is the responsibility of Shaftesbury Charitable Trust.

8.6 Reason for Recommendation

8.6.1 To meet the Council's responsibility in the maintenance of its assets

9 Planning Applications

To consider responses to planning applications to include but not be limited to;
15 Tanyard Lane and 33 St James Street and 28 Bimport (10 min)
([Town and Country Planning Act, 190 sch.1 para.8](#))

9.1 Summary

9.1.1 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. A presentation of the plans will be given at the meeting and can be seen in advance [here](#).

9.2 Planning Applications

9.2.1 [P/HOU/2021/00216](#)

Proposal: Erection of single storey garage and guest accommodation building with link to dwelling (removal of existing garage and garden shed)

Location: 15 Tanyard Lane, Shaftesbury, Dorset, SP7 8HW

9.2.2 [P/LBC/2021/00172](#)

Proposal: Replace corrugated iron roof with plain clay tiles with new supporting structure. Remove part rear extension and roof, and erect rear extension and replace roof to lean-to.

Location: 33 St James Street
Shaftesbury, Dorset, SP7 8HF

9.2.3 [P/HOU/2021/00041](#)

Proposal: Erect a single storey rear extension (demolish existing).

Location: 28 Bimport
Shaftesbury, Dorset, SP7 8AZ

9.3 Scheme of Delegation

9.3.1 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.

9.4 Legal Implication

9.4.1 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)

9.4.2 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.

9.5 Recommendation

9.5.1 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.

9.6 Reason for Recommendation

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

9.7 Additional Information

9.7.1 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

9.7.2 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.

(End)

Report Author: Zoe Moxham, Officer Administrator

10 Planning Appeal A/2/2020/0562/FUL – 4 Haines Lane

To consider a response to the planning appeal for A/2/2020/0562/FUL, 4 Haines Lane (5 mins)

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

10.1 Summary

10.1.1 Notification of Appeal

[Application No: A/2/2020/0562/FUL](#)

Location: Annexe 4 Haines Lane Shaftesbury Dorset

Description of Development: Erect 1 No. dwelling (demolish existing single storey dwelling).

Appeal Reference: APP/D1265/W/21/3268480

Appellant: Tracey Cheetham

Appeal Start Date: 25 March 2021

10.1.2 I refer to the above details. An appeal has been made to the Secretary of State against Appeal Against Refusal by Dorset Council.

10.1.3 You may view the documents relating to this appeal online at:
<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/planning-application-search-and-comment.aspx>

10.1.4 The appeal will be determined on the basis of written representations. The procedure to be followed is set out in Part 2 of The Town and Country Planning (Appeals) (Written Representations Procedure)(England) Regulations 2009, as amended.

10.1.5 This means that you will be given the opportunity to submit representations on the appeal. We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal.

10.1.6 All representations must be received by 29 April 2021. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. All representations must quote the appeal reference.

10.1.7 Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the

10.1.8 Planning Service privacy notice can be found at: www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/service-privacy-notices/planning.aspx

10.1.9 Inspector when determining the appeal.
If you wish to make comments, or modify/withdraw your previous representation, you can do so online at <https://acp.planninginspectorate.gov.uk> or by emailing

west2@planninginspectorate.gov.uk. If you do not have access to the internet, you can send three copies to:

Jenni Ball, The Planning Inspectorate Room 3C
Temple Quay House 2 The Square, Bristol BS1 6PN.

- 10.1.10 Information provided in your representation will be published. This may include your name and address, but personal telephone numbers and email addresses and signatures of individuals will be removed. If you object to publication in this way, please contact the Planning Inspectorate.
- 10.1.11 When made the decision will be published online at <https://acp.planninginspectorate.gov.uk>, and will be made available on our website where the appeal decision will form part of the application decision.
- 10.1.12 You can get a copy of one of the Planning Inspectorate's Guide to taking part in planning appeals booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>.

10.2 Scheme of Delegation

- 10.2.1 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.

10.3 Legal Implication

- 10.3.1 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)
- 10.3.2 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.

10.4 Recommendation

- 10.4.1 That the Council provides a response to Dorset Council for this planning application.

10.5 Reason for Recommendation

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

(End)

Report Author: Zoe Moxham, Officer Administrator

11 **Coppice Street - Car Park 1 and 2 Tender Document**

To approve the revised scope of works as outlined in the updated Tender Document. (10 min)
([Shaftesbury Town Council Scheme of Delegation, 2020](#))

11.1 **Summary**

- 11.1.1 The Car Park tender document was approved by Full Council in December 2020. The sequencing of works has been reprioritised due to the 3G project and impact on the 2021 football season. The car park works will commence once the 3G project is complete – estimated to be beginning of August.
- 11.1.2 The scope of works for the car parks was undertaken by a specialist tender writer at no cost to the council. It has come to light that the technical specification of the works is over specified. A recent assessment in both car parks undertaken by construction experts has established the scope of works can be modified to reduce the specification.
- 11.1.3 The proposed modifications are shown in appendix A [\[click here\]](#). The comments section reflects the advice from the Car Park construction expert (WS) and Quantity Surveyor (RM) and their recommendations to reduce the specification of works.
- 11.1.4 Further advice has since been received which has identified further proposed modifications to the tender document. These modifications are differentiated by blue italic text and based on new information received on 7th April by Cllr Proctor. Further information for councillors is in black italics.
- 11.1.5 A car park layout modification has since been received and needs to be reviewed in detail to establish the feasibility and in consultation with the Highways expert at Dorset Council. The revised layout options are not included within this report.

11.2 **Financial Implications**

- 11.2.1 The final cost will be presented to the council post the tender process. The budget for Car Park 1 is £47,649 and Car Park 2 is £54,112

11.3 **Legal Implications**

The Council has the General Power of Competence

11.4 **Recommendation**

- 11.4.1 The Council resolves to delegate the amended sign off of the Tender Document as specified in appendix A including potential car park layout modification to the Town Clerk in consultation with the Lead Councillor and support councillors.

11.5 **Reason for Recommendation**

Report 0421FC11 to a meeting o the Full Council
Tuesday 20 April 2021

11.5.1 The expert advice recommends the scope of works within the tender specification is reduced. Recommendation from Cllr Proctor and revised layout options for the car park need proper consideration to assess what is feasible and realistic.

(End)

Report Author: Brie Logan, Business Manager

12 3G Option to Tax Resolution

To consider an option to tax the land at Coppice Street leased to the Football Club (15 mins)
([Shaftesbury Town Council Financial Regulations, 2020](#))

12.1 Summary

- 12.1.1 Professional VAT advice has been sought by an expert to advise on the best way to maximise VAT recovery with the 3G project. Please refer to the full report [which can be accessed here:](#)
- 12.1.2 The council could make a formal Option to Tax (see Appendix1 and VAT Notice 742A) on the site, as it is commissioning the construction directly. This is a decision by the council that all future use of the site will become taxable. VAT must then be charged on any lease, so the council is able to reclaim any VAT incurred because the costs relate to taxable business activities
- 12.1.3 The land is leased to Shaftesbury Football Club for a 30-year term. The current lease is in the process of being revoked and will be replaced by a new lease albeit the terms and conditions will remain unchanged. The key issue for automatic permission for the Option to Tax to is that any VAT- exempt lease agreement ends. This will be incorporated into the new lease where appropriate.
- 12.1.4 The option to tax will only apply to charges made by the council, such as rent. Any charges made to hirers by a tenant (the club or other operator) would not be affected by the council's option to tax.

12.2 Financial Implication

- 12.2.1 Although local councils can reclaim VAT incurred on their non-business activities under Section 33 of the VAT Act 1994, this only applies to services provided for free or provided under a specific statutory regime (such as allotments and cemeteries).
- 12.2.2 Where a council supplies goods and services (including the use of premises) in return for any form of payment, this is a business activity for VAT purposes (Section 5, VAT Notice 749 -Local Authorities and Similar Bodies) and a council must generally follow the same rules as any other business.
- 12.2.3 VAT at the standard rate of 20% will be due on the construction work and associated professional fees. With a budget of around £530,000 (3g costs and car park 2 costs) the VAT will be about £106,000

12.3 Legal Implication

- 12.3.1 The area of VAT law which specifies the supplies of land and buildings that are exempt from VAT is Group 1 of Schedule 9 to the Value Added Tax Act 1994. The law detailing the option to tax is found in Schedule 10 to the Value Added Tax Act 1994.
- 12.3.2

12.4 Risk

- 12.4.1 Refer to the VAT full report which highlights the 3G VAT implications in sections 10 to 20 and Car Park VAT implications in sections 24 to 27.

12.5 Recommendation

- 12.5.1 The council resolves to submit Form 1614A to HMRC with the option to tax the land at Shaftesbury Football Club.

12.6 Reason for Recommendation

- 12.6.1 The council making an option to tax on the site, commissioning the construction and leasing it to a third party seems the simplest approach to maximise VAT recovery as advised by the VAT expert.

13 Spine Road

To consider the Planning and Highways recommendation and agree next steps pertaining to the Spine road report (15 mins)

[\(Shaftesbury Town Council Financial Regulations, 2020\)](#)

13.1 Summary

13.1.1 In January 2021 Full Council resolved to engage the services of Terence O'Rourke at the cost of £1,750 to investigate the issues and potential solutions for the completion of the Spine Road. The report including appendices was presented to the Planning and Highways committee in March 2021. [\[click here\]](#)

13.1.2 At the March 2020 meeting the Planning and Highways committee RESOLVED to recommend to Full Council to work with the statutory authorities and other agencies to find ways to manage the historic issues and work on a potential solution.

13.1.3 The Council needs to resolve on the course of action required to progress this long-standing issue.

13.1.4 Section 4 in the report refers to a number of conclusions that the council may want to consider. These are shown on page 6 of the Spine road report.

13.2 Financial Implication

13.2.1 None arising from this report

13.3 Legal Implication

13.3.1 The list of legislation and statutory instruments relating to planning are numerous and extensive. The Town Council is not the planning authority and therefore decisions taken on this item do not need to be taken under the auspices of specific planning legislation. The Council has the power to do anything that will facilitate the discharge of its duties. (Local Government Act, 1972 s.111) _

13.4 Risk

13.4.1 None arising from this report

13.5 Recommendation

13.5.1 The Council agrees the next steps arising from the Spine Road report

13.6 Reason for Recommendation

13.6.1 A wider debate with Full Council is needed to agree the course of action required.