



# Shaftesbury Town Council

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To: Members of Shaftesbury Town Council's Full Council (FC). Councillors Hollingshead (Chair), Chase (Vice Chair), Brown, Cook, Edwyn-Jones, Hall, Lewer, Loader, Proctor, Tippins, Welch, 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 pm on Tuesday, 28 September 2021 **in the Council Chamber, Shaftesbury Town Hall.**

Members are reminded of their duty under the Code of Conduct

All other recipients for information only

Claire Commons FdA (Comm Gov), Fellow SLCC, Town Clerk and RFO  
22 September 2021

### Public Participation

The Chairman will invite members of the public to present their questions, statements or petitions. The period of time designated for public participation shall not exceed twenty minutes. A member of the public shall not speak for more than three minutes. The meeting will also be hosted online. **Public, press and non-committee members, join on your computer or mobile app** [Click here to join the meeting](#)

### The 7 principles of public life

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

*(Committee on Standards in Public Life, 1995)*

The following Public Presentations will be made prior to the start of the meeting;

- i. **Rocketbox**  
Digital Marketing Q2 update – presentation from Design Director and Social Media representative (10 mins)
- ii. **NHS and Blackmore Vale Partnership**  
To receive presentation ahead of later agenda item (15 mins)
- iii. **Mampitts Lane CiC**  
To receive presentation from the CiC ahead of later agenda item (10 mins)

### Agenda

- 1 **APOLOGIES** .....4  
To receive and consider for acceptance, apologies for absence .....(1 min)  
*(Local Government Act, 1972 s.85)*

<b>2</b>	<b>DECLARATIONS OF INTEREST</b> .....	<b>4</b>
	To declare any interests relating to the business of the meeting and receive any dispensation requests from the Clerk. ....	(1 min)
	<i>(Shaftesbury Town Council Code of Conduct, 2021)</i>	
<b>3</b>	<b>MINUTES</b> .....	<b>5</b>
	To receive the minutes of the previous meeting of the Full Council.....	(1 min)
	<i>(Local Government Act, 1972 Sch 12) (Shaftesbury Town Council Scheme of Delegation, 2021)</i>	
<b>4</b>	<b>FULL COUNCIL REPORT FOR INFORMATION</b> .....	<b>6</b>
	To receive reports pertaining to the Full Council .....	(20 min)
	<i>(Local Government Act, 1972 Sch 12)</i>	
<b>5</b>	<b>NHS AND BLACKMORE VALE PARTNERSHIP ENGAGEMENT AND COLLABORATION</b> .....	<b>8</b>
	To consider appointing a Lead Councillor for Health and Wellbeing in collaboration with the Blackmore Vale Partnership .....	(10 mins)
	<i>(Local Government Act, 1972 s.111)</i>	
<b>6</b>	<b>MAMPITTS LANE COMMUNITY LAND TRUST CIC'S</b> .....	<b>10</b>
	To consider request from the Mampitts Lane CIC for Shaftesbury Town Council's support to fulfil s.106 bid to Dorset Council .....	(10 mins)
	<i>(Shaftesbury Town Council Scheme of Delegation, 2021)</i>	
<b>7</b>	<b>CODE OF CONDUCT HEARING OUTCOME</b> .....	<b>11</b>
	To receive the findings of Dorset Council's Audit and Governance (Hearing) Sub-Committee regarding a complaint heard in relation to a Shaftesbury Town Councillor...(10 mins)	
	<i>(Committee on Standards in Public Life, 1995), (Shaftesbury Town Council Code of Conduct, 2021)</i>	
<b>8</b>	<b>WINCOMBE UNIT RENT REVIEW</b> .....	<b>13</b>
	To consider amendment to rent for Wincombe Unit .....	(10 mins)
	<i>(Local Government Act, 1972 s.111)</i>	
<b>9</b>	<b>COMMITTEE REPORT</b> .....	<b>15</b>
	To receive minutes are reports and consider recommendations from the Committees of the Council relating to Wildflower Policy and amendments to Financial Regulations. .	(5 mins)
	<i>(Local Government Act, 1972 Sch 12)</i>	
<b>10</b>	<b>PAYMENTS</b> .....	<b>17</b>
	To consider payments for authorisation.....	(5 mins)
	<i>(Local Government Act, 1972 s.150)</i>	
<b>11</b>	<b>EXTERNAL AUDIT CHALLENGE</b> .....	<b>19</b>
	To consider response to challenge to the External Audit 2020-2021.....	(10 mins)
	<i>(Accounts and Audit Regulations, 2015)</i>	
<b>12</b>	<b>LEGAL AND PROFESSIONAL FEES</b> .....	<b>21</b>
	To consider moving funds to the Legal and Professional Fees budget line .....	(10 mins)
	<i>(Local Government Act, 1972 s.151)</i>	
<b>13</b>	<b>MARKET DAY – HIGH STREET CLOSURE MARSHAL ARRANGEMENTS</b> .....	<b>23</b>
	To receive an update on the costs associated with the High Street Thursday road closure to accommodate the weekly market and consider options for the remainder of the financial year .....	(10 mins)
	<i>(Road Traffic Regulation Act, 1984 ss16a-c)</i>	
<b>14</b>	<b>REPRESENTATIONS TO DORSET COUNCIL</b> .....	<b>25</b>

To consider response to Dorset Council’s proposed car park charges and a response to the situation with Christy’s Lane Trees. .... (10 mins)  
*(Local Government Act, 1972 s.111)*

Anticipated meeting end time Enter meeting end time

## 1 Apologies

Report 0921FC1

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.

1.1.2 Councillor Proctor – Prior personal commitment

## 2 Declarations of Interest

Report 0921FC 2

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

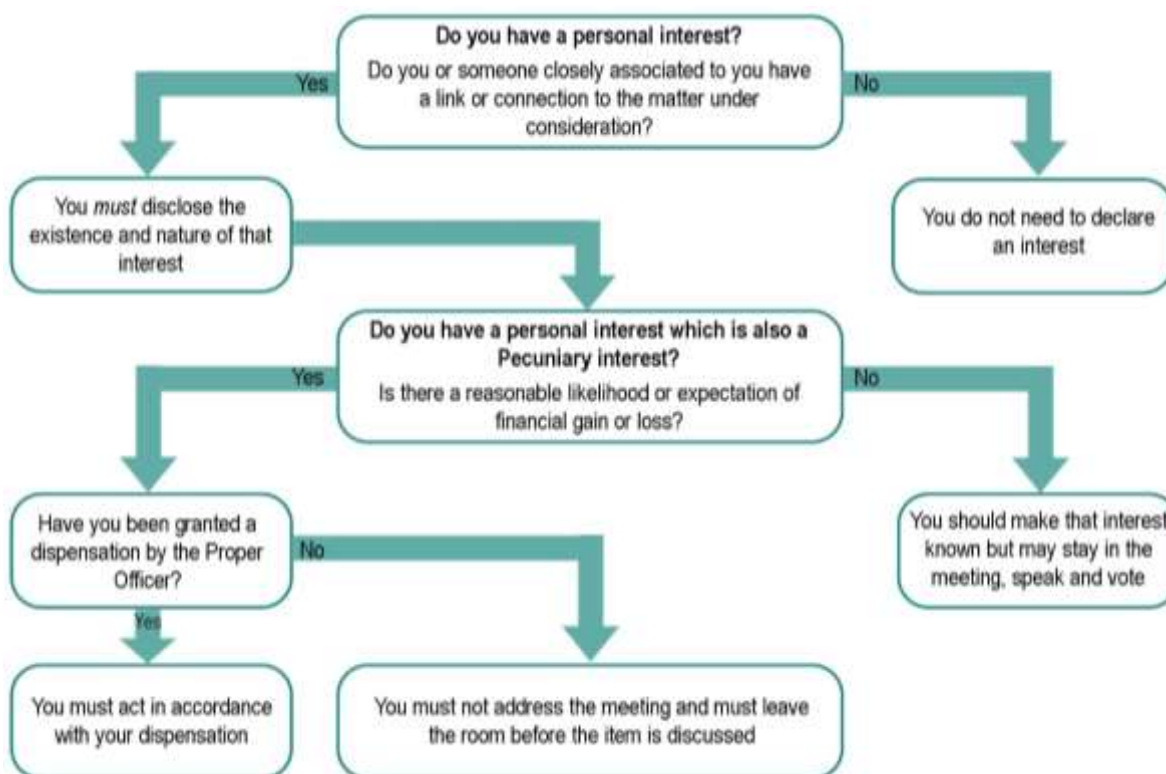
(1 min)

*(Shaftesbury Town Council Code of Conduct, 2021)*

### 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, 2021)



**3 Minutes**

Report 0921FC 03

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

(1 min)

*(Local Government Act, 1972 Sch 12) (Shaftesbury Town Council Scheme of Delegation, 2021)*

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**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 inaccuracies then the amendments to the draft minutes must be approved by resolution. (Tharmarajah, 2013, p. 154).
- 3.1.3 Minutes to be adopted: [27 July 2021](#)

(End)

Report Author: Sarah Kirton, Office Administrator

## 4 Full Council Report for Information

Report 0921FC 4

To receive reports pertaining to the Full Council

(20 min)

*(Local Government Act, 1972 Sch 12)*

### 4.1 Summary

4.1.1 Reports provided within this item are to be received, they provide updates on decisions already taken by the Committee and actions taken under the Scheme of Delegation (where not previously reported).

### 4.2 Updates and Actions from 27/07/2021

4.2.1 Football Club lease and governance ‘side letter’ – complete

4.2.2 High Street Pedestrianisation – Business and Shopper survey results

[Click here to access summary of Business and Shopper feedback](#)

[Click here to view the additional comments from Q3 and Q6 \(Business survey\)](#)

[Click here to view the additional comments from Q8 and Q10 \(Shopper survey\)](#)

### 4.3 Civic Report

4.3.1 The Mayor of Shaftesbury, Cllr Andy Hollingshead. Engagements attended since April 2021 to 21st September 2021

Date	Invitation from	Event
Sunday 25 <sup>th</sup> April	Royal British Legion	Anzac Day – Laying of Wreath
Wednesday 19 <sup>th</sup> May	Open House	Official opening of ‘Open Fridge’
Wednesday 16 <sup>th</sup> June	HMP Guys Marsh	Opening of Jailhouse Café and Farm Shop
Saturday 7 <sup>th</sup> August	Gold Hill Museum	Unveiling of Blue Plaque for John Rutter
Saturday 15 <sup>th</sup> August	Royal British Legion	VJ Day – Laying of Wreath
Sunday 12 <sup>th</sup> September	RAFA	Battle of Britain – Laying of Wreath
Thursday 16 <sup>th</sup> September	Shaftesbury & District Dementia Community	‘Melodies Remembered’
Friday 17 <sup>th</sup> September	Dorset Scouts	Awards Celebration Evening

### 4.4 Dorset Council Reports

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

### 4.5 Lead Councillor and Local Organisation Reports

4.5.1 No reports have been received in advance from lead councillors or local organisations.

### 4.6 Recommendation

4.6.1 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.

**4.7 Reason for Recommendation**

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

(End)

Report Author: Sarah Kirton, Office Administrator

## **5 NHS and Blackmore Vale Partnership Engagement and Collaboration**

Report 0921FC5

To consider appointing a Lead Councillor for Health and Wellbeing in collaboration with the Blackmore Vale Partnership (10 mins)

*(Local Government Act, 1972 s.111)*

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### **5.1 Summary**

- 5.1.1 Dr Simone Yule is the Locality Lead GP for North Dorset and sits on the board of the Dorset Clinical Commissioning Group.
- 5.1.2 Post Covid there is an opportunity to reconnect the historic collaborative way of working and seek opportunities to work together on mutually beneficial projects.
- 5.1.3 This year, as one example, the Blackmore Vale Partnership in collaboration with Active Dorset supported the Castle Hill Yoga event(s) with many of the patients attending the free weekly sessions throughout July.
- 5.1.4 In the public session Dr Yule will have presented the Carousel Clinic and the Frailty workshops. The council may select to support one or both projects to help raise the profile of the health and well-being activity within the community.
- 5.1.5 Historically until 2018 there was a Lead Councillor who was the face of the council with the NHS and provided regular updates to members to raise the profile of the work undertaken by the Dorset CCG. The council may want to consider appointing a Lead Councillor for Health and Wellbeing.

### **5.2 Scheme of Delegation**

- 5.2.1 Nomination or appointment of representatives of the Council to outside bodies is a matter reserved for Full Council (Shaftesbury Town Council Scheme of Delegation, 2021)(6.9)

### **5.3 Legal Authority and Implication**

- 5.3.1 A local authority shall have power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions (Local Government Act, 1972 s.111)

### **5.4 Financial Implication**

- 5.4.1 There are no financial implications associated with this report.

### **5.5 Impact Assessment**

- 5.5.1 Equalities – The Equality Act 2010 legally protects people from discrimination a lead councillor could be able to facilitate and be an ambassador for equality in the community.
- 5.5.2 Environmental – None
- 5.5.3 Crime and Disorder – None
- 5.5.4 Resources – Officer time to share any communication through the council media channels
- 5.5.5 Economic – None
- 5.5.6 Risk Management – None



**5.6 Recommendation**

- 5.6.1 The Council RESOLVES to work in collaboration with the Blackmore Vale Surgery Lead GP and appoints a Lead Councillor to support the Health and Wellbeing objectives of the council. Delegate to the Town Clerk all details in discharging this decision.

**5.7 Reason for Recommendation**

- 5.7.1 The collaborative approach has historically worked well. Many of the council objectives are closely linked to the Blackmore Vale Surgery therefore seems prudent to reinstate the Lead Councillor role.

(End)

Report Author: Brie Logan, Business Manager

## **6 Mampitts Lane Community Land Trust CIC's**

Report 0921FC6

To consider request from the Mampitts Lane CIC for Shaftesbury Town Council's support to fulfil s.106 bid to Dorset Council (10 mins)

*(Shaftesbury Town Council Scheme of Delegation, 2021)*

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### **6.1 Summary**

- 6.1.1 The Mampitts Lane CiC has submitted a request to Shaftesbury Town Council to support it's bid to Dorset Council. A copy of the letter is [available here](#).
- 6.1.2 The presentation slides from the CiC have been [provided as a link](#), no further information has been provided in advance.

### **6.2 Legal Authority and Implication**

- 6.2.1 The decision for release of s.106 funds is the responsibility of the Local Planning Authority.

### **6.3 Financial Implication**

- 6.3.1 There is no expenditure of the Town Council arising from this report.

### **6.4 Impact Assessment**

- 6.4.1 The Council should consider whether there is any impact arising from this decision in relation to;
  - Equalities
  - Environment
  - Crime and Disorder
  - Resources
  - Economic
  - Risk Management

### **6.5 Recommendation**

- 6.5.1 There is no officer recommendation on this item.

(End)

Report Author: Claire Commons, Town Clerk and Responsible Finance Officer

## 7 Code of Conduct Hearing Outcome

Report 0921FC7

To receive the findings of Dorset Council's Audit and Governance (Hearing) Sub-Committee regarding a complaint heard in relation to a Shaftesbury Town Councillor (10 mins)

*(Committee on Standards in Public Life, 1995), (Shaftesbury Town Council Code of Conduct, 2021)*

### 7.1 Summary

- 7.1.1 At a meeting of Dorset Council's Audit and Governance (Hearing) Sub-Committee, a complaint was heard in relation to a Shaftesbury Town Councillor.
- 7.1.2 The outcome of the hearing will be provided to the Town Clerk on Thursday 23<sup>rd</sup> September and forwarded to all councillors in support of this agenda item.

### 7.2 Scheme of Delegation

- 7.2.1 The Council is recommended to address the outcomes determined by the Dorset Council Audit and Governance (Hearing) Sub-Committee.

### 7.3 Legal Authority and Implication

- 7.3.1 Shaftesbury Town Council has a duty to promote and maintain high standards of conduct by its councillors (Shaftesbury Town Council Code of Conduct, 2021)
- 7.3.2 A relevant authority must promote and maintain high standards of conduct by members and co-opted members of the authority. In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. (Localism Act, 2011 s27)

### 7.4 Financial Implication

- 7.4.1 Expenditure on revenue items may be authorised by the Clerk for any items below £2,500.
- 7.4.2 Where the value is below £3,000 and above £100 the Clerk shall strive to obtain 3 estimates. A list of contracts exempt from Financial Regulations are provided at 11.1a of Financial Regulations. If the Council chooses to apply an exemption, it should state which and the reason it applies.

Budget line name	Actual Year to Date	Current Annual Bud	Committed Expenditure	Funds Available	% Spent
Councillor Training	£125	£1,080	£0	£955	11.6%

### 7.5 Impact Assessment

- 7.5.1 Equalities – The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations
- 7.5.2 Environmental – None known at this stage.
- 7.5.3 Crime and Disorder – The council has a duty to exercise their functions with due regard to the need to prevent crime and disorder in its area. (Crime and Disorder Act, 1998 s17)
- 7.5.4 Resources – Not known at this stage

7.5.5 Economic – None

7.5.6 Risk Management – There is a risk to the Council of loss of key personnel

**7.6 Recommendation**

7.6.1 That the Council progresses any and all recommendations from Dorset Council arising from the Code of Conduct Hearing on 20<sup>th</sup> September 2021 and determines who is responsible for discharging this decision.

**7.7 Reason for Recommendation**

7.7.1 To exercise the responsibilities of the Council in maintaining high standards of conduct and its responsibility as an employer.

(End)

Report Author: Claire Commons, Town Clerk and Responsible Finance Officer

**8 Wincombe Unit Rent Review**

Report 0921FC8

To consider amendment to rent for Wincombe Unit

(10 mins)

*(Local Government Act, 1972 s.111)*

**8.1 Summary**

- 8.1.1 The Clerk has been advised that a rent review is due on the unit at Wincombe Business Park currently rented for the Grounds Team’s hub.
- 8.1.2 The rent review was due in August 2020, the landlord is proposing not to backdate this but to look at the revised rent
- 8.1.3 The proposal is to operate the prices index as per the last review and lease renewal which gives an increase of £849 per annum resulting in the new rent £8,424.
- 8.1.4 It is noted that rents have increased quite dramatically in recent times and if the unit were to be returned to the market, the asking price would be in the region of 10,500. This would be based on £7.00 per sq. ft ground floor and £3.50 sq. ft first floor for the 1500 sq. ft.

**8.2 Scheme of Delegation**

- 8.2.1 The Town Clerk is delegated to manage all the Town Council’s services and property together with routine inspection in line with the budgets and policies approved by members. (Scheme of Delegation 2.8) It is the Clerks understanding that this delegation does not extend to negotiating revised rent agreements without prior direction from the Council.

**8.3 Legal Authority and Implication**

- 8.3.1 A local authority shall have power to do any thing which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions (Local Government Act, 1972 s.111)

**8.4 Financial Implication**

- 8.4.1 Additional expenditure on this year’s rent would be £566

Budget line name	Actual Year to Date	Current Annual Bud	Committed Expenditure	Funds Available	% Spent
Rent Unit 9C	£5,679	£7,572	£1,893	£0	100%
General Grounds	£22,935	£47,335	£9,390	£15,010	68.3%
Cost Centre					

**8.5 Impact Assessment**

- 8.5.1 Equalities – None
- 8.5.2 Environmental – None
- 8.5.3 Crime and Disorder – None
- 8.5.4 Resources – None
- 8.5.5 Economic – None
- 8.5.6 Risk Management – Specify any risks identified or factors which may affect the project outcome or type ‘None’

**8.6 Recommendation**

- 8.6.1 To agree the rent increase for the remaining lease term (28 August 2023). Delegate to the Town Clerk all details in discharging this decision.

**8.7 Reason for Recommendation**

- 8.7.1 The grounds team must have a suitable location to work from and secure the tools and machinery required to carry out their role.

(End)

Report Author: Claire Commons, Town Clerk and Responsible Finance Officer

## **9 Committee Report**

### Report 0921FC5

To receive minutes are reports and consider recommendations from the Committees of the Council relating to Wildflower Policy and amendments to Financial Regulations. (5 mins)

*(Local Government Act, 1972 Sch 12)*

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### **9.1 Summary**

- 9.1.1 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)
- 9.1.2 Minutes for each committee are provided for information using the hyperlinks below and any recommendations for Full Council to consider are noted.

### **9.2 Planning and Highways Committee 17/08/2021 and 07/09/2021**

- 9.2.1 No recommendation to Full Council

### **9.3 General Management Committee 21/09/2021**

- 9.3.1 Officer report 0921GEM06 was received and it was Recommended to Full Council. to adopt the wildflower policy and the action plan therein with a revision to exclude the use of Glyphosate.
- 9.3.2 Officer Report 0921GEM09 was received and it was recommended to Full Council to amend Financial Regulations to:
- 9.3.3 Include provision for the Grounds Manager to hold a Council credit card with an expenditure limit of £250 and set to pay off in full each month. Expenditure not to exceed any individual budget line without prior authorisation.
- 9.3.4 Permit the Clerk to overspend individual budget lines provided the expenditure does not cause the cost centre to go over budget.
- 9.3.5 Amend regulations to reflect the Terms of Reference for the General Management Committee in respect of Internal Audit reports provided that all councillors are provided with the reports and the year-end reports are received by Full Council
- 9.3.6 Delegate to the Clerk to authorise payments up to a value of £5,000 and a list of authorised payments to be reported to the GEM Committee quarterly.

### **9.4 Scheme of Delegation**

- 9.4.1 The making, amending or revoking of Standing Orders, Financial Regulations and Scheme of Delegation and Matters of principle or policy are reserved for decision by Full Council. (Shaftesbury Town Council Scheme of Delegation, 2021) (6)
- 9.4.2 Adoption or revision of the Council's Code of Conduct.

### **9.5 Recommendation**

- 9.5.1 That the Council resolves the recommendations from Committees contained within this report, namely;
  - Wildflower Policy as detailed at 9.3.1
  - Amendments to Financial Regulations as detailed at 9.3.2 to 9.3.6.

### **9.6 Reason for Recommendation**

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

(End)

Report Author: Sarah Kirton, Office Administrator



**10 Payments**

Report 0921FC10

To consider payments for authorisation.

(5 mins)

*(Local Government Act, 1972 s.150)***10.1 Summary**

10.1.1 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)

10.1.2 A list of payments is provided for review and authorisation

21/09/2021

**Shaftesbury Town Council**

13:21

**Invoices Due for Payment for Approval Full Council**

Invoice Date	Invoice No.	Ref No.	Invoice Detail	Date Due	Amount Due
<b>Aqua cleaning Services [AQUA]</b>					
20/09/2021	CL6216		Town Hall Clean	20/09/2021	48.00
<b>C E Plumbing &amp; Heating [CEPLUMB]</b>					
10/09/2021	046		Service Boiler	10/09/2021	89.38
<b>EG. Coles [EGCOLES]</b>					
06/09/2021	189327		Service Kubota Ride on Mower	06/09/2021	833.82
<b>N D Hardiman Haulage Ltd [HARDIMAN]</b>					
31/08/2021	73054		Sand/cement	31/08/2021	33.30
<b>NDM Electrical [NDM]</b>					
16/09/2021	1333		Fit new light in downstairs WC	16/09/2021	123.83
<b>Octopus Personnel [OCTUPUS]</b>					
21/09/2021	12940		Town Marshal	21/09/2021	94.10
<b>Toogoods Prop Ltd [TOOGOODS]</b>					
20/09/2021	13580		Rent Unit 9C 29/9 to 29/12	20/09/2021	2,271.60
<b>TOTAL OF INVOICES DUE (ALL LEDGERS)</b>					<b>3,494.03</b>

**10.2 Scheme of Delegation**

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

**10.3 Legal Authority and Implication**

10.3.1 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)

10.3.2 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)

**10.4 Financial Implication**

- 10.4.1 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)

**10.5 Impact Assessment**

- 10.5.1 Equalities – None  
10.5.2 Environmental – None  
10.5.3 Crime and Disorder – None  
10.5.4 Resources – None  
10.5.5 Economic – None  
10.5.6 Risk Management – None

**10.6 Recommendation**

- 10.6.1 That Members consider the payments from the Town Council's current account, and minutes the resulting bank balance. Delegate to the Town Clerk all details in discharging this decision.

**10.7 Reason for Recommendation**

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

(End)

Report Author: Tracy Moxham, Finance and Services Officer

## 11 External Audit Challenge

Report 0921FC11

To consider response to challenge to the External Audit 2020-2021

(10 mins)

*(Accounts and Audit Regulations, 2015)*

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### 11.1 Summary

- 11.1.1 Each Local Authority provides a “period for the exercise of public rights” within which the rights of objection, inspection and questioning of the local auditor be exercised.
- 11.1.2 An individual has submitted challenges to the External Auditor for 2020-2021. One challenge has been rejected as unclear, the other has been accepted for further investigation.
- 11.1.3 The Council should review the challenge that has been accepted and provide its response and information to the External Auditor to aid their investigation.
- 11.1.4 A copy of the proposed response is available to [members only here](#). This document contains exempt information and withheld from the public domain until advised by the Proper Officer of the Council.

### 11.2 Scheme of Delegation

- 11.2.1 The Responsible Finance Officer is responsible for the Town Council’s accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

### 11.3 Legal Authority and Implication

- 11.3.1 Any rights of objection, inspection and questioning of the local auditor may only be exercised within a single period of 30 working days. (Accounts and Audit Regulations, 2015) (s.14)

### 11.4 Financial Implication

- 11.4.1 Financial Regulations are exempt for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and Responsible Finance Officer shall act after consultation with the Chairman and Vice Chairman of the Council) (Financial Regulations 11.1v)

### 11.5 Impact Assessment

- 11.5.1 Equalities – None
- 11.5.2 Environmental – None
- 11.5.3 Crime and Disorder – None
- 11.5.4 Resources – Officer time taken to review the questions and provide information for the response.
- 11.5.5 Economic – None
- 11.5.6 Risk Management – There is a risk of the Council’s accounts being qualified if a failure in accounting and governance practices is upheld.

### 11.6 Recommendation

- 11.6.1 To submit the response to challenge of the 2020-2021 audit to the External Auditor. Delegate to the Town Clerk all details in discharging this decision.

**11.7 Reason for Recommendation**

- 11.7.1 To provide the External Auditor with the information supporting the Council's assurance that it has complied with the requirements of the Accounts and Audit regulations and its internal governance documents for the accounting year 2020-2021

(End)

Report Author: Claire Commons, Town Clerk and Responsible Finance Officer

## 12 Legal and Professional Fees

Report 0921FC12

To consider moving funds to the Legal and Professional Fees budget line (10 mins)

*(Local Government Act, 1972 s.151)*

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### 12.1 Summary

- 12.1.1 The Full Council approved the budget in January 2021 and resolved to reduce the budget for legal and professional fees to £10,000 from the officer recommended £40,000.
- 12.1.2 At the July Full Council meeting in report 0721FC07 the Council was made aware that the Legal and Professional budget was overspent.
- 12.1.3 In March 2021 Full Council resolved  
*Successful negotiation of a JCT contract between the Council and the chosen contractor by a contract lawyer to ensure that there is no loophole or reason to be concerned.*  
*Appointment of a contract Administrator (Experienced Project Manager) to oversee the works from a council viewpoint and to represent the council in technical, contractual and legal matters as they arise before, during and after the construction phase of the project.*  
*Delegated all matters related to the completion of these conditions to the clerk in consultation with officers and lead councillors of this project. Councillors Brown, Chase and Hall.*
- 12.1.4 There was, however, no specific resolution pertaining to the cost of the JCT and contracts administrator. The invoices for services were posted to the Legal and Professional Fees budget line causing the overspend.
- 12.1.5 The Council may choose to overspend this budget and set a limit to the overspend, delegating to the Clerk the management of the budget to that limit or it may choose to vire from another budget line that it thinks may be underspent or can be held over until the new financial year. If the Council does not resolve any delegation, each expenditure item against the legal and professional fees budget will need to be brought to Full Council for resolution which may impact on the delivery of council work.

### 12.2 Scheme of Delegation

- 12.2.1 The Responsible Finance Officer to the Council shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time. (Financial Regulations 2.2)

### 12.3 Legal Authority and Implication

- 12.3.1 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

### 12.4 Financial Implication

- 12.4.1 The cost of the JCT contract and Project Administrator was sourced at a reduced rate of 1.6% therefore total cost of both services was £7,840.
- 12.4.2 The cost of the new lease for the Football Club was estimated to be £1,950 however due to additional time spent on the side letter, the costs have increased to £,5,225 -

note this includes the total cost of the First Registration process for the whole of land at Cockrams which was an unknown entity at the start of this project. This First Registration has been complex due to missing deeds which have now been located. In total there are 173 legal activities pertaining to the Football Club lease and First Registration process. [Click here to view the time statement from the STC solicitor](#)

Budget line name	Actual Year to Date	Current Annual Bud	Committed Expenditure	Funds Available	% Spent
Legal and Professional Fees	£14,336	£10,000	£4,758	0	190%
Legal and Professional Cost Centre	£25,531	£31,050	£4,758	£761	97.6%

## 12.5 Impact Assessment

12.5.1 Equalities – None

12.5.2 Environmental – None

12.5.3 Crime and Disorder – None

12.5.4 Resources – Staff time to locate missing deeds for first registration process

12.5.5 Economic – None

12.5.6 Risk Management – The first registration process on this parcel of land is complex and goes back many decades. The usual cost of a first registration is £750 and the complexities with this one is likely to be significantly more.

## 12.6 Recommendation

12.6.1 That the Council resolves to move £30,000 from General Reserves to the Legal and Professional Fees budget line. Delegate to the Town Clerk all details in discharging this decision.

## 12.7 Reason for Recommendation

12.7.1 To allow the efficient management of the Council's business for the remainder of the financial year.

(End)

Report Authors: Brie Logan, Business Manager and Claire Commons, Town Clerk and Responsible Finance Officer

**13 Market Day – High Street closure marshal arrangements**

Report 0921FC13

To receive an update on the costs associated with the High Street Thursday road closure to accommodate the weekly market and consider options for the remainder of the financial year (10 mins)

*(Road Traffic Regulation Act, 1984 ss16a-c)*

**13.1 Summary**

- 13.1.1 From May 2020 to July 2020 the High Street was closed to traffic daily from 9 to 4 to accommodate the temporary pedestrianisation.
- 13.1.2 Since July 2021 to date the weekly market has operated from 9 to 3 with a marshal at the entry point to the High Street.
- 13.1.3 The Special Events Licence was granted by Dorset Council in July 2021 and expires at the end of December 2021.
- 13.1.4 At the General Management meeting in July it was resolved to spend £2,500 including £456 contingency to manage the marshal operation on Thursdays up until the end of Q2 and that this additional funding to be drawn from General Reserves. To delegate to the Town Clerk and Business Manager to take all such steps as considered necessary to comply with the resolution.
- 13.1.5 The Council is now asked to consider extending the pedestrianisation and associated costs for Quarter 3 in line with the licence that has been granted by Dorset Council (13.1.3)
- 13.1.6 The council may want to consider submitting an application to extend the Thursday road closure from January 2022 onwards.

**13.2 Scheme of Delegation**

- 13.2.1 The Responsible Finance Officer to the Council shall be responsible for the Town Council’s accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time. (Financial Regulations 2.2)

**13.3 Legal Authority and Implication**

- 13.3.1 A traffic authority may temporarily restrict or prohibit traffic on a road to facilitate an event to be held on a road. Dorset Council granted the licence in July 2021. RTRA 1984 ss 16a.

**13.4 Financial Implication**

- 13.4.1 The council resolved to allocate funds to Covid for the financial year 2021/2022 of £23,300 as part of the annual budget setting process
- 13.4.2 The cost of marshalling for the remainder of 2021 is forecasted to be £1,344 as shown in the committed expenditure line. The costs year to date are shown in the table below.

Budget name	line	Actual Year to Date	Current Annual Bud	Committed Expenditure	Funds Available	% Spent
4007 Marshals		£3,096	0	£1,344 (See below)	0	0

Q3 predicted spend	September	October	November	December	Total
	£252	£336	£336	£420	£1,344
Q4 predicted spend	January	February	March		Total
	£336	£336	£420		£1,092

13.4.3 The High Street Pedestrianisation costs YTD are as follows:

Budget name	line	Actual Year to Date	Current Annual Bud	Committed Expenditure	Funds Available	% Spent
306 Covid		£5,201	£23,300		£18,099	22.3%

### 13.5 Impact Assessment

13.5.1 Equalities – None

13.5.2 Environmental – None

13.5.3 Crime and Disorder – None

13.5.4 Resources – Currently the marshal cover is being managed by a local agency. An advert is in the public domain with the expectation this will be filled by mid-October.

13.5.5 Economic – The market stall holders have indicated that if the road is re-opened on market days, then the number of traders would reduce. Stalls would need to revert back to facing the pavement therefore evidence suggests the positive experience would be significantly impacted.

13.5.6 Risk Management – It is unknown as to whether Dorset Council would consider extending the licence into 2022. Shaftesbury Town Council will need to consider this at a future meeting as a resolution to extend would be necessary in order to commence the application process.

### 13.6 Recommendation

13.6.1 The council RESOLVES to extend the marshal commitment until the end of December 2021 and that expenditure is posted to accounting line 4007. Delegate to the Town Clerk all details in discharging this decision.

13.6.2 That the Council considers Thursday pedestrianisation licence application and associated costs for January – March 2022. Delegates to a chosen committee in consultation with and on advisement from the Pedestrianisation Working Group all details in discharging this decision.



## **14 Representations to Dorset Council**

Report 0921FC14

To consider response to Dorset Council's proposed car park charges and a response to the situation with Christy's Lane Trees. (10 mins)

*(Local Government Act, 1972 s.111)*

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### **14.1 Summary**

- 14.1.1 Dorset Council has advised the Council and public of its incoming parking charges. Some members have expressed views about these charges and requested of the Clerk to have the opportunity for a corporate position from the Council to be presented to Dorset Council.
- 14.1.2 At the Planning and Highways Committee meeting in September, members and members of the public raised concerns about the trees on Christy's Lane. As the matter wasn't an agenda item, the committee was unable to formally resolve a position of the Council. The Full Council is asked to consider a response to Dorset Council in relation to the trees.

### **14.2 Legal Authority and Implication**

- 14.2.1 A local authority shall have power to do any thing which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions (Local Government Act, 1972 s.111)

### **14.3 Financial Implication**

- 14.3.1 None

### **14.4 Impact Assessment**

- 14.4.1 Shaftesbury Town Council is not the decision maker on either the matter of the parking charges or the trees on Christy's Lane. It may wish to consider whether its representation to Dorset Council has any impact in the following areas;

Equalities

Environment

Crime and Disorder

Resources

Economic

Risk Management

Equalities – The Council is asked to consider any implications relating to the Equalities Act

### **14.5 Recommendation**

- 14.5.1 There are no officer recommendations on this item.

(End)

Report Author: Claire Commons, Town Clerk and Responsible Finance Officer