

# Whitchurch Town Council

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## FULL COUNCIL MEETING

9 July 2021

To: Members of Whitchurch Town Council

Dear Councillor,

Dated this ninth day of July 2021, you are hereby summoned to attend a meeting of Whitchurch Town Council to be held at 19:15 on the fifteenth day of July 2021.

The meeting will be held in the Edward German Room, Whitchurch Civic Centre, SY13 1AX.

If you are unable to attend the meeting, please provide prior notice of your apologies.

Yours sincerely,

A handwritten signature in cursive script that reads "Luke Trevaskis".

Mr Luke Trevaskis

### **Note to Public:**

Due to Covid-19, capacity at public meetings may be limited.

Please note that meetings are audio recorded and you are requested to inform the meeting if you are recording or filming.

Permission to speak at a meeting during public participation will be at the discretion of the Chairman. No person shall speak on more than two items and for no longer than a total of three minutes. Any questions shall not require a response at the meeting nor start a debate. If any representations are considered outside the remit of Whitchurch Town Council, residents shall be referred to the principal authority or other appropriate body.

## AGENDA

1. **Apologies** - to receive apologies for absence.
2. **Declarations** - to receive declarations of members' interests.
3. **Minutes** - to consider the minutes of the last meeting and sign as an accurate record.
4. **Public Participation** - members of the public are invited to make representations.
5. **Boundary Commission Review of Parliamentary Constituencies** - to consider the proposed consultation and agree whether to submit any representations to the Boundary Commission.
6. **Welcome Back Fund** - to note Shropshire Council has been allocated £288,194 from the Government's Welcome Back Fund for distribution to welcome communities back into locations such as town centres. To further note the Government guidance issued to Shropshire Council states that the Ministry of Housing, Communities and Local Government expects local authorities to engage with stakeholders including parish councils. Furthermore, the MHCLG encourages local authorities to enter into suitable delivery partnership arrangements with parish councils to improve delivery outcomes for communities.

### **OFFICER RECOMMENDATION**

*It is recommended that members of the Council consider a list of priorities to submit to Shropshire Council within the scope of the guidance, and to open communication to ascertain what funding is being allocated to Whitchurch.*

7. **Government Suffix Report** - to consider the report and officer recommendations.

### **OFFICER RECOMMENDATION**

*It is recommended that members of the Council cease using personal email accounts and any email accounts associated with third parties such as a workplace.*

*It is recommended that members of the Council consider the use of a '.gov' domain name for the website and all email addresses in order to assist the corporate body in complying with the rules on security under the GDPR and to help mitigate risks to the Council associated with using a less secure domain. The cost of a .gov website is £60pa and email packages vary depending on provider/storage.*

*It is recommended that emails are managed, and information is permanently deleted, in line with a data retention policy, and email accounts remain accessible for a period of time after a councillor or employee departs the corporate body to ensure obligations can be met for any future Freedom of Information requests that may arise and the GDPR (including any Subject Access requests).*

8. **Co-Option** - to note that no by-election has been called for the current councillor vacancies. To consider adoption of a co-option policy and residents who have registered an interest in the posts.

### **OFFICER RECOMMENDATION**

*It is recommended to adopt a co-option policy to streamline the application process for vacancies, providing a fair and consistent approach for all applicants - providing each candidate with all the information required to ensure each prospective member is aware of the legal criteria required to be a Councillor and the responsibilities of a position in public office.*

9. **Risk Management Scheme** - to consider adoption of the risk management scheme.

#### **OFFICER RECOMMENDATION**

***It is recommended to adopt a risk management scheme to respond to the concerns of the internal auditor.***

10. **North Shropshire Area Committee** - to consider appointment of two members to the North Shropshire Area Committee of the Shropshire Association of Local Councils.

11. **ICCM (Institute of Cemetery and Crematorium Management)** - to consider a membership to assist officers with unlimited advice for an annual fee of £95.00.

12. **Absence Policy** - to consider adoption of the proposed Absence Policy.

13. **Finance**

- i) To approve additional signatories.
- ii) To accept the Q1 accounts.
- iii) To receive and sign the total monthly purchase ledger, BACS, and manual cheque payments.
- iv) To receive the credit card payments record and duly sign.
- v) To consider delegating authority for expenditure (within budget) to committees responsible for the facilitation of the budget line (as outlined in the below officer recommendation).
- vi) To consider revised Ear Marked Reserves (EMR) and approve delegated authority to committee to expend an EMR (as outlined in the below officer recommendation).

#### **OFFICER RECOMMENDATION**

***There is currently very limited expenditure power given to committees of the Council.***

***Committees are designed in legislation to be a tool used by authorities to delegate decisions.***

***With such little decision-making power, committees of Whitchurch Town Council currently serve as little more than working parties (with all the administrative resources required of a committee) and this can lead to inefficiencies in decision making and officers spending a disproportionate amount of time facilitating meetings than actioning the outcomes of the authority.***

***With the majority of decisions coming back to the full council for consideration, agendas can be exhaustive and challenging for members to digest which can present a risk of the Council making a decision not fully understood by all those present and voting.***

***A scheme of delegation provides members with the time and ability to focus on specific higher-level tasks, improving efficiency, productivity and time management.***

***With responsibility comes accountability and committees would be able to focus on their area of council business, through specific training and development, to ensure each service of the authority is as effective as it can be - with those responsible being best-placed to find solutions to any problems that may arise (within the scope of the TORs of each committee, and the policies and procedures of the Council).***

***It is recommended that the Council trial a new system of working with an increased level of delegation, to be reviewed in six months.***

14. **Financial Regulations** - to note the officer report and consider any amends to Section 11 of the Financial Regulations.

## **OFFICER REPORT**

*Where the estimated value of a public contract exceeds £25,000 (net of VAT) a local council in England must comply with Articles 109 to 114 of the 2015 Regulations (in addition to section 135 of the 1972 Act).*

*Regulation 110, which concerns the advertisement of a contract opportunity, is summarised below.*

- *Subject to the changes post 31 December 2020 (the date that marked the end of the transition period for the purposes of leaving the EU), a council must advertise the contract opportunity on the “Contracts Finder” website when it advertises the contract opportunity elsewhere. A council will have advertised a contract opportunity elsewhere if it does anything to put the opportunity in the public domain or bring the opportunity to the attention of economic operators generally or to any class or description of economic operators which is potentially open-ended, with a view to receiving responses from economic operators who wish to be considered for the award of the contract (e.g. places details of the opportunity on its website, in a newspaper or a trade paper);*
- *A council does not advertise an opportunity where it makes the opportunity available only to a number of particular economic operators who have been selected for that purpose (whether ad hoc or by virtue of their membership of some closed category such as a framework agreement), regardless of how it draws the opportunity to the attention of those economic operators (i.e. if a council has an arrangement with a limited number of approved organisations to undertake work for the council); Regulation 33 defines a “framework agreement” as an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Contracting authorities may conclude framework agreements if they apply the procedures in Part 2 of the 2015 Regulations. Regulation 33 provides that framework agreements should not exceed 4 years except in exceptional circumstances. A council must advertise the contract opportunity on Contracts Finder within 24 hours of advertising it elsewhere.*

15. **Civic Centre Committee** - to consider the adoption of the updated Terms of Reference.

16. **Finance Committee** - to consider the adoption of the updated Terms of Reference.

17. **Public Realm Committee** - to consider the adoption of the updated Terms of Reference.

18. **Personnel Committee** - to consider the adoption of the updated Terms of Reference.

19. **Deermoss Play Equipment** - to consider the below report prepared by Cllr Thornton regarding the play area and the allocation of £25,000 to facilitate Phase 2 of the Deermoss Play Area upgrade.

## **OFFICER RECOMMENDATION**

*It is recommended, for the reasons outlined below, the Council move to defer this item pending further information and recommendations, delegating authority to the Proper Officer to incur necessary expenditure to clarify the council's legal position regarding the ownership of the land and any restrictive covenants that may, or may no longer, exist.*

- *The Council must be satisfied that all resolutions are lawful and in adherence with legislation (in this case the Town and Country Planning Act 1990).*
- *A conveyance dated 1953 has been provided to all members outlining restrictive covenants precluding the erection of recreational equipment on part of the land*

*proposed for development and precluding land use which shall be or become a nuisance or objectionable to adjoining land or the occupiers thereof.*

- *A letter outlining an objection from a resident of Egerton Place (dated July 2016) regarding a similar scheme proposed in 2016 has been provided to members. It is unknown if any further consultations have been undertaken with neighbours.*
- *Section 237 of the Town and Country Planning Act 1990 provides power to a local authority to override easements and other rights arising in some circumstances. It is recommended that sound legal advice is obtained to clarify whether the covenants dated 1953 remain enforceable.*
- *The two title registers that outline the Council's ownership of Deermoss Park do not appear to extend to all of the land proposed for development.*
- *CIL funding of £3,487 given to the Council in 2016/17 is available to spend on community infrastructure projects. Shropshire Council can require the repayment of funds if they remain unspent after five years in line with the Community Infrastructure Levy Regulations 2010. Members must consider whether not prioritising the expenditure of this funding demonstrates the financial probity expected of the public sector.*

20. **Use of Assets** - to consider the requests received for use of assets under the Council's administration and agree actions.

21. **Staffing** - to consider the current staffing levels and agree actions.