

## EVESHAM TOWN COUNCIL

Minutes of the Meeting of **EVESHAM TOWN COUNCIL** held at 6.30 pm on **MONDAY 9 MARCH 2015** in the Council Chamber, Town Hall, Evesham.

Those present:

Chairman: Cllr C D Homer (Town Mayor)

Vice Chairman: Cllr F Kaler (Deputy Town Mayor)

Councillors: Cllr A P Booth, Cllr Mrs W D Dyke, Cllr A L Dyke, Cllr M D Elliman, Cllr M S Goodge, Cllr Miss E Haynes, Cllr M Hammon, Cllr G O'Donnell, Cllr Mrs D R Raphael, Cllr R W Raphael, Cllr Mrs J E Sandalls, Cllr Mrs F S Smith, Cllr J H Smith OBE, Cllr N S Tucker, Cllr Mrs R Whiting

Officer: Mr S D Carter (Town Clerk)

Also present was Mr Shawn Riley (Wychavon District Council), 2 members of the press and 1 member of the public.

### **147. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors J Bulman, Mrs B A Gurden, Mrs L Jakeman, R S W Jones, and Mrs J M W Taylor

### **148. Declarations of pecuniary or other interest in accordance with the Town Council's Code of Conduct, including requests for dispensation (if any)**

Councillor Mrs J E Sandalls declared a non-pecuniary interest in minute 156, Planning Applications, as she is a member of Wychavon District Council's planning committee.

Councillor M S Goodge, declared a non-pecuniary interest in Minute 156, the planning application for St Egwins School as he is a governor of the school.

### **149. Announcements by the Town Mayor**

There were no announcements under this agenda item.

### **150. Minutes of the Previous Meeting**

The Minutes of the Town Council Meeting held on 9 February 2015, a copy of which had been circulated to all Members with the agenda, were considered. It was **RESOLVED** that the minutes be adopted as a true record.

### **151. Committee Reports**

The following reports were circulated with the agenda and were considered for adoption as a true record and authorisation for execution where action has not already been carried out under delegated authority:

- a) Personnel Committee – 16 February 2015

It was **RESOLVED** that the minutes be adopted as a true record.

b) Planning and General Purposes Committee – 23 February 2015

It was noted that Cllrs Mrs W D Dyke and A L Dyke had submitted their apologies for this meeting but that this had not been recorded. It was **RESOLVED** that including the aforementioned amendment, the minutes be adopted as a true record.

c) Promotion Committee – 2 March 2015

It was **RESOLVED** that the minutes be adopted as a true record.

**152. Questions from Members of the Public**

There were no questions submitted under this item.

**153. Finance**

Evesham Town Council's payments and receipts for the month February 2015 were circulated to Members with the agenda.

It was **RESOLVED** that the Town Council payments for the month of February as attached at appendix A totalling £56,295.85 (NET), be approved and that the receipts and bank reconciliation be **NOTED**.

**154. Update from Worcestershire County Council and Wychavon District Council Members**

Cllr J H Smith OBE was on hand to update members on issues relating to Worcestershire County Council (WCC). Cllr Smith stated that he had little to add to the previous updates given by his colleagues from WCC. However, Cllr Smith advised that WCC's budget had been approved and would result in an increase in spending for Children's Services. Finally it was confirmed that WCC had a bid in for £6.5 million highways funding from central government, WCC would match any funding received.

Cllr J H Smith OBE was thanked for his update.

Cllr G O'Donnell from Wychavon District Council (WDC) updated Members on news from the district council. Cllr O'Donnell advised that WDC's budget was healthy, the Grow, Save, Change strategy that they had implemented had been very successful leading to them being nominated for a finance award. It was explained that under 'Grow' WDC provided services for many other Council's which in turn brought in income.

Cllr O'Donnell advised that future New Homes Bonus (NHB) payments to parishes had been suspended pending the result of the General Election. Evesham Town Council had successfully bid for or earmarked all of its current allocation of NHB funding.

Regarding a question on car parks, Cllr O'Donnell confirmed that charges had been held. Regarding the strategic review, he explained that further work on the document had been requested by WDC's Executive Board.

Cllr O'Donnell was thanked for his update.

**155. Presentation on Evesham Retail and Leisure Review – Mr Shawn Riley**

Mr Shawn Riley, the Evesham Market Town Manager at WDC gave a presentation to Members that followed up on his presentation last year regarding the future opportunities for Evesham town centre. Mr Riley explained that the Town Council had assisted him in the purchasing of a data programme that enabled Evesham to be compared to similar towns around the country. The software enabled them to see which retailers and leisure providers were expanding and contracting, who was succeeding in towns with a similar demographic to Evesham. This in turn would aid WDC in formulating a strategy to attract retailers and leisure outlets rather than just approaching them speculatively.

Mr Riley explained that he had taken 6 towns that he regarded as performing better than Evesham, whilst having a similar demographic either in the town and/or in the surrounding area. The data showed that those towns where a Waitrose was in the centre had a better retail and leisure offering. Mr Riley explained that there was approximately 120,000 living within 20 minutes of Evesham, many of whom were affluent, but that Evesham was failing to attract them. The potential was there and hopefully, the Waitrose development would help to attract this demographic.

Mr Riley concluded by confirming that he would continue to use the data to target retailers and leisure providers. Mr Riley was thanked for his update.

**NOTED**

## **156. Planning Applications**

- (a) 15/00299/PP – Dr M Osbourne – 12A Collinsfield  
Proposed rear extension  
<http://bit.ly/1KcQcMB>

It was **RESOLVED** to recommend that this application be approved subject to the usual conditions.

- (b) 15/00254/PP – Mr G Hemming – 74 Coronation Street  
First floor extension above existing double garage to provide two additional bedrooms & bathroom.  
<http://bit.ly/1EJiMR5>

It was noted that the Highways Department had deferred making a recommendation on this application as they required further information, and it was **RESOLVED** to also defer making a comment.

*Clerk's note: Highways subsequently put a number of conditions on the approval of this application, and the application has been approved under delegated authority by WDC.*

- (c) 14/02519/PP – Miss S Clements – 14 Falkland Road  
Single storey extension at rear of property, garage conversion and single storey extension at rear of garage conversion.  
<http://bit.ly/1BQWRbs>

It was **RESOLVED** to recommend that this application be approved.

- (d) 15/00340/PP – Mr Hurst – 40 Foxglove Close  
Replace the existing tarmac and gravel driveway at 40 Foxglove Close with a new non permeable concrete block paved driveway covering 48 square meters.  
<http://bit.ly/1MFwyol>

Similarly, to the application at (d), Highways had deferred making a decision seeking further information, and it was therefore **RESOLVED** that the Council defer making a recommendation pending this information.

*Clerk's note: This application has subsequently been withdrawn.*

- (e) 15/00171/PN – Mrs Kennedy – St Egwins C of E Middle School  
Worcester Road  
Creation of new staff car parking and the removal and landscaping of existing car park.  
<http://bit.ly/1KcQWkR>

It was **RESOLVED** to recommend that this application be approved.

- (f) 15/00377/PP – Mrs A Starr – Vale of Evesham School  
Four Pools Lane  
Additional car park space, additional access from highway and change of a car park surface to accommodate a SUDS scheme.  
<http://bit.ly/1M32KC3>

It was **RESOLVED** to recommend that this application be approved.

#### **157. Review of the Council's Internal Controls, System of Internal Audit, and Assessment of Risks**

A report was circulated to Members detailing the measures the Council has in place with regards to internal audit, internal controls and assessment of risks.

It explained that the Council was required to carry out a review of the effectiveness both of its internal controls and its system of internal audit. The Annual Return also required Members to agree that they have 'assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.

The Internal Auditor recommended that the Council adopt an Internal Controls document to assist the Council in meeting this requirement as set out in the Annual Return. Attached for Members was a risk policy and controls document as drafted by the Clerk and based on those used by other similar sized town councils. The Clerk had carried out a review and his findings were detailed in the box at the far right. It was explained that this document would assist both the Council and the Clerk in ensuring that the proper checks were in place with regards to risk management and internal controls.

It was highlighted that as part of the Council's internal audit programme, it had appointed a qualified local government accountant to act as its independent internal auditor. It was explained that the role of the internal auditor was to assist the Council in fulfilling its responsibility for the prevention and detection of fraud and corruption, errors and mistakes. Currently, the internal auditor made one visit towards the end of the financial year to review the internal controls and to carry out testing on the transactions undertaken and to ensure compliance with financial regulations. A further review, particularly regarding the year end annual accounts was carried out when the annual accounts had been prepared and to assist with the submittal of the Annual Return.

Members agreed that the audit arrangements were to their satisfaction. Members also agreed that the introduction of the internal controls and assessment of risks document was a good document that aided both the Council and the Clerk.

It was **RESOLVED** that Council agree with the statement in the Annual Return confirming that it has assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.

It was further **RESOLVED** that the Council agree with the statement in the Annual Return confirming that it maintained an adequate system of internal control over the last financial year.

#### **158. Town Plan – Request for funding**

A report was tabled detailing a request from the Town Plan Steering Group to fund the production and the printing of the Town Plan. In total they were requesting up to £2,000 to meet these associated costs.

The Clerk explained that though there was no budget for this, there was an unused sum in the Council's bonfire heading. This money was used to underwrite the bonfire if it was cancelled at the last minute or if the event made a loss. This money had not been required this year.

It was **RESOLVED** to allocate up to £2,000 from the aforementioned budget heading for the production and printing of the Town Plan.

#### **159. Standing Orders and Financial Regulations Review**

A report was circulated with the agenda advising Members of a proposed change to the Town Council's Standing orders (SO) and Financial Regulations (FR).

Members were advised that the Council agreed to review its Standing Orders (SO) and Financial Regulations (FR) in 2014. It was explained that the Council appointed a review group made up of the Mayor, Deputy Mayor, Cllrs Mrs Smith, Booth, Mrs Raphael, Raphael and the Town Clerk to conduct this review and to also make recommendations regarding the committee structure.

The Clerk explained that it was also good practise to review the Council's SO and FR at least every 2 years; and that this had been reaffirmed by the Internal Auditor in his report to the Council following his first visit. In addition the current SO and FR had not kept pace with current legislation and required to be updated.

In the report the Clerk explained that the Council's SO were its most important document, defining the principles of its structure, its means of debate and function. Standing orders were the written rules of a local council, used to confirm the Council's internal organisational, administrative and procurement procedures and procedural matters for meetings. It went onto explain that meetings of full council, councillors, the Responsible Financial Officer and Proper Officer were subject to many statutory requirements and that the Council should have SO to confirm those statutory requirements.

In drafting the new Standing Orders and Financial Regulations, the Clerk sat down with the working group and presented them with a number of examples used by other Town Council's, all of which were based on the NALC model standing orders. Town and Parish Councils had been encouraged to adopt the NALC model standing orders, amending them where appropriate to fit the Council's structure. The working group had agreed that the model standing orders should form the base, but that they would like to see other elements brought in.

The working group were keen to encourage public participation in order to enhance accountability and engagement with the local population. Accordingly they asked that SO allow public participation on any item on the agenda for a maximum of 3 minutes. They also stated that those wishing to submit questions to the Council should also attend in person.

Regarding the Financial Regulations (FR) it was agreed again that the Financial Regulations needed reviewing and the Internal Auditor picked up on the fact that they did not account for electronic payments. The Clerk advised that again there was a NALC model Financial Regulations that could be adopted with a few amendments.

The report explained that the FR were standing orders to regulate and control the financial affairs and accounting procedures of a local council. The FR, as opposed to the standing orders of a council, included most of the requirements relevant to the Responsible Financial Officer. They detailed what was expected of the Clerk/RFO in terms of financial management, tendering etc., and also what the obligations of the Council were. They also put in place a comprehensive reporting system of what information Members can expect from the Clerk and measures to minimise fraudulent activity.

The Clerk explained that arguably the biggest change was the public participation aspect, in that the new SO allowed for public participation on any item on the agenda, within certain parameters. The Clerk went on to explain that both the SO and FR needed to be reviewed, at least every two years and that elements could be changed if they were found not to be effective or working.

Members welcomed these new SO and FR and thanked the working group and Town Clerk for their work on this. The right for members of the public to address the Council was seen as a positive.

Members welcomed the new SO and FR, as attached at appendix B and C respectively. It was **RESOLVED** that the SO and FR as attached be adopted by the Town Council.

## **160. Town Council Committee Structure**

A report was circulated with the agenda detailing proposed changes to the Council's committee structure. It explained that as part of the SO and FR review, the council looked at the existing committee structure.

The report detailed the current committee structure and arrangements with 5 committees, Planning and General Purposes (P&GP), Promotion, Personnel, Property, and Grants which met annually. Each committee makes recommendations that are then adopted at full Council meetings. The only exception to this is that P&GP committee which has delegated authority to respond to planning applications. This is required to fit in with the planning timetable with a response required for most applications with 21 days.

Whilst reviewing the SO and FR it became apparent that Members were of the opinion that the current committee structure was not working as well as it could and it began to look at whether this could be remedied.

There began a review of the work of each committee and a consideration of what could be changed, what worked, and what could enable the Council to respond quicker..

The Clerk explained his desire to have a finance committee that monitored the spending of the Council, considered investment and reserves. The Clerk was also keen for the Finance Committee to take on the drafting of the budget in consultation with the Clerk. The Clerk was keen to emphasise that the budget was the Council's budget, not the Clerk's budget for the Council. It was further explained that Finance committees were common in all levels of local government and offered an effective way of monitoring and dealing with all aspects of council finance.

The working group highlighted that the Planning and General Purposes Committee was not functioning as well as it could and that they wanted to see its membership numbers reduced, which in turn would aid discussion and the consideration of applications. It was explained that a specialist Planning Committee would have to meet on a 3 week rotation so it could respond to planning applications, traffic orders, consultations etc. in a more effective and timelier way than it could at present.

The aims and objectives of the Promotion Committee were also considered as it was felt by the working group that the committee had become a grant giving committee. With the town plan being formulated and a desire to move away from the funding of festivals along the lines it currently did, it was suggested that this function could be taken on by a Finance Committee, who could prioritise funding for events and look at ways to promote the town.

The Property Committee dealt with a wide variety of issues regarding the Council's estate. Again it was felt that perhaps its responsibilities could be dealt with in a more timely and productive way if they were passed to a Planning Committee. In the past, some issues with property had been slow to progress due to the quarterly meetings.

The Grants Committee sat annually, and considered applications from local groups and organisations. This function, which is an important function of the Town Council, could be dealt with by a Finance committee.

It was suggested that all the committees be given delegated power to act without the need for council ratification within certain parameters in order to speed up the decision making process and allow the Council to act more quickly. For example, if the project fell within their budget, then the resolution should be enacted without the requirement for it to be ratified by full Council. However, if a project or scheme would alter Town Council policy or was above budget, then the recommendation would be referred to the Council for further scrutiny.

It was highlighted that delegation would prove particularly effective when dealing with consultations which would usually be referred to the Planning and Property committee. At present, most consultations go to the Town Council, who have in the past deferred it to the following meeting in order to collate responses. A scaled down committee would be better able to formulate a response in a timely manner, and even if a formal response was deferred until the next meeting, this would only be a further three weeks.

The report also detailed how the Town Council would implement many of the recommendations detailed in the Town Plan recommending the establishment of an implementation committee.

It was explained that the Town Plan had been formulated by a group independent of the Council and accordingly it was advisable that this was recognised in the make up of the committee. Therefore it was recommended that the committee was made of 7 Town Councillors including the Mayor and Deputy Mayor, and 3 non-councillors whose knowledge and expertise would help the committee in delivering the Town Plan. In addition, the power to co-opt someone onto the committee for up to 12 months to aid in a specific project or task would also be desirable.

In conclusion the report proposed the following Committee Structure with the schedule of delegated powers as detailed below.

#### Planning and Estates Committee

Its remit would be the response to planning applications, traffic orders, general consultations, issues affecting the Council's estates and green spaces including cemeteries and the Town Hall.

It would meet on a 3 weekly cycle to fit in with WDC's planning cycle, which usually requires a response within 21 days. Because of the three weekly cycle it was likely that the committee would have to meet on a day other than a Monday. This committee would be clerked by the Finance Officer or the Town Clerk.

It was proposed that the Planning and Estates Committee would be made of 12 members including the Mayor and Deputy Town mayor with at least one member coming from each ward. It was explained that advice had been taken from the Monitoring Officer regarding dual hatted councillors who sit on planning committees at parish level. The Monitoring Officer confirmed that in his view, dual hatted councillors can sit on planning committees however, "dual-hatted Members may on occasions prefer to withhold their comments on an application until all the information is available in the report to be made by the Planning Officer to the Wychavon Planning Committee".

The Chairman of the Committee would always be the Deputy Mayor.

It would have delegated authority to respond to the following without going to the Council:

- (a) To consider and respond to planning applications.
- (b) Minor issues affecting traffic, highways and transport.
- (c) Consultations such as traffic orders, TPOs
- (d) Consultations on proposed changes to District or County Services, e.g. changes to bus services
- (e) Street naming
- (f) Administration of the Town Council estates budget relating to the Town Hall, other buildings and green spaces including cemeteries.
- (g) The organisation of the management of the Council's Allotments, Cemeteries, buildings and other green spaces under the jurisdiction of the Council.
- (h) General environmental issues in and affecting the Town such as litter, grass verges, pavements, roads, recycling and footpaths and other similar matters.
- (i) The Town's Christmas tree, lights and decorations.

The following matters would be recommended to Council:

- (a) Issues affecting the development of the Town e.g. SWDP.
- (b) Major issues affecting traffic, highways and transport.
- (c) Any policy issues connected with Planning and Estates, e.g. the changes in terms and conditions at the cemetery
- (d) Any policy issues connected with the environment of the town
- (e) Any expenditure beyond what is in the budget

#### Finance and General Purposes Committee

It was proposed that a Finance and General Purposes committee be established to monitor the Council's expenditure, deal with audit, prepare the Council's budget, and administer grants and expenditure relating to tourism. This committee would meet 6 times a year and would be clerked by the Town Clerk.

The Finance and General Purposes Committee would again consist of 12 members including the Mayor and the Deputy Mayor. It was also proposed that the Chairman of the committee not serves more than one year consecutively, and would be the immediate past Mayor. It was commented that this may not always be possible if the Mayor was stepping down for example. It was explained that this had been included because at present the Mayor went from being on every

committee, to nothing and this could help remedy this. If the Mayor did not stand then the committee would be free to choose whom it wanted.

This Committee would also deal with requests for funding from reserves, for example if a committee's budget was spent, and they had a particular project they wished to pursue. In these cases the Finance committee would make a recommendation to the Council.

This committee would have delegated authority to do the following without referring it to Council:

- (a) Administration of the Town Council Finance, Tourism and Grants Budgets.
- (b) The financial administration of the Council, including preparation of the budget, management and use of capital assets, audit, and the expenditure and receipt of monies throughout the year.
- (c) Any other issues, excluding policy, not listed under the scheme of delegation of any other Committee.

The following matters would be recommended to the Council:

- (a) The Standing Orders of the Council.
- (b) Any matter of policy where the Council decides that wider consideration than one Committee alone can give to the subject is needed, or where views need to be co-ordinated across different Committees.
- (c) Setting of the precept upon the rating authority.
- (d) Spending of reserves
- (e) Any other policy issues not listed under the scheme of delegation of any other Committee.

### Personnel Committee

The remit and makeup of the personnel committee would remain as it is at present, i.e. 6 members including the Mayor and Deputy Mayor. It would meet quarterly and would be clerked by the Town Clerk.

It was proposed that the following matters would be delegated to the Personnel Committee:

- (a) Administrative matters.
- (b) The terms and conditions of employment of the Council's staff, excluding the Town Clerk/RFO/Proper Officer (see below).
- (c) Any other matters affecting the Council staff and the personnel policies of the Council.

The following matters would be recommended to Council:

- (d) The terms and conditions of employment of the Town Clerk/RFO/Proper Officer.
- (e) Any policy issues connected with the Council staff.

### Town Plan Delivery Committee (TPDC)

The remit of the TPDC would be to enact the Town Plan recommendations. This new committee would be made up of 7 town councillors including the Mayor and Deputy Mayor, and 3 other members of the community to be nominated by them. The Chairman of the committee would have to be a serving Town Councillor and could not serve more than 2 consecutive years as Chair. All members of the committee would have voting rights. It was also proposed that the

Committee have the power to co-opt an individual for a defined period to assist them with a specific project.

The Committee would draw up an action plan based on the priorities and recommendations of the Town Plan. It was highlighted that it was important that this committee, which would report to full Council, continued the work of the Town Plan group by engaging with the public throughout the process.

The committee would be clerked by the Town Clerk, and the Town Centre Manager, Mr Shawn Riley would also advise the committee.

It was proposed that the committee have delegated authority to undertake the following:

- (a) Establish priorities
- (b) Act on the proposals and projects as set out in the town plan.
- (c) Set up taskforces to help deliver the plan
- (d) Co-opt non councillors for a one year period to aid with delivery of a particular part of the plan
- (e) Incur expenditure up to the budget given to it by the Council and in accordance with the Council's Standing orders and Financial Regulations
- (f) Seek external funding

It was proposed that the following be recommended to Council before being enacted:

- (a) Any recommendation or action relating to a service offered by the Town Council
- (b) Any recommendation or action that changes or affects in Town Council policy

### Town Council Meetings

The report explained that if these proposals were adopted the role of Town Council meetings would change as Council would no longer receive minutes in order to adopt the recommendations but instead receive them for information. There would be times when recommendations were referred to Council before being enacted, and there would also be issues deferred direct to the council for discussion without recommendations being made. All planning applications would be dealt with by the Planning and Estates Committee, though if there was a major application, that committee may decide to refer it to Council for comment.

Accordingly, there would not be the same requirement for the Council to meet every month as many of the decisions would have been dealt with under delegated authority. Common practise was to meet every 2 months. It was highlighted that the procedure to arrange an extraordinary meeting remains should the need arise.

The working group proposed that a 'calling in' mechanism be inserted into Standing Orders should a member wish for any item that would usually be actioned under delegated authority, be delayed and considered at council. The working group agreed that to prevent misuse of this power, any member wishing to 'call in' a resolution would have to do so in writing within 48 hours of the decision being made. They would also be required to have the written support of at least two other members. Any committee would also have the option of recommending a decision to the Council should it wish. The Clerk highlighted that would not be possible for Minutes of meetings to be presented within 48 hours, therefore the onus would be on the Member to find out the decision, and call in if they wanted. Officers would not take responsibility for a Member not calling in a decision because they were not aware of it.

The Clerk explained that the committee structure was again an evolving process which could be reviewed and amended if aspects were not working.

The Clerk was thanked for the comprehensive report and it was stated that again this was overdue and that this proposal would be beneficial to the Council.

Speaking against the proposal it was stated that a new council would be starting in May and that the current members should not look to impose their ideas on it, they should be allowed to amend the committees if they so wished.

Countering this it was said that the current councillors, the majority of which would be standing again, already knew that the current structure did not work as well as it could, so why wait.

Speaking against the proposal it was stated that the Planning Committee should not be combined with another committee, as was proposed, as it required full consideration. The Clerk did state that the Planning and Estates Committee could be amended if it was found that it was not working or if the work load was too great.

Concern was expressed about having Planning meetings on a day other than Monday, and whether some thought could be given to putting them on a Monday when there was no clash with other meetings.

Summing up, it was stated that whilst there may be aspects of the proposed structure that are not perfect, it is worth adopting 'warts and all' so the Council can progress. If it is shown that some parts are not functioning as they should then the Council could change the structure accordingly.

It was **RESOLVED** to accept the recommendations regarding the Committee Structure as detailed within this minute.

#### **161. New Homes Bonus Update**

The Clerk's verbal update had been superseded by Cllr O'Donnell as detailed at Minute 154.

#### **162. Reports from Council's Representatives**

There were no reports presented under this agenda item.

#### **163. Matters of urgency raised for information only at the discretion of the Town Mayor**

There were no matters raised under this item.

There being no further business, the meeting closed at 8.05 pm

COUNCILLOR MR C D HOMER  
CHAIRMAN