

8<sup>th</sup> December 2011

To: All Members of the Finance and General Purposes Committee

Cllr Sandy Lovatt	Chairman & Chairman of Audit and Performance Sub-Committee
Cllr Marilyn Badcock	Vice Chairman & Chairman of Amenities & Recreation Committee
Cllr Peter Jones	Chairman of Planning & Highways Committee
Cllr Julie Mayhew-Archer	Chairman of County Hall Museum Management Committee
Cllr Angela Lawrence	
Cllr Iain Littlejohn	
Cllr Monica Lovatt	
Cllr Katie Nobes	
Cllr Alison Rooke	
Cllr Michael Badcock, Mayor of Abingdon	Ex-officio

Dear Member,

Your attendance is requested at a meeting of the Finance and General Purposes Committee to be held on **Tuesday 13<sup>th</sup> December 2011 at 7pm** in the Committee Room at the Old Abbey House, Abingdon.

Should you have any queries on this agenda, please contact Nigel Warner on 01235 522642.

Yours sincerely,

N E Warner  
Town Clerk

## A G E N D A

1 **Apologies**

To receive any apologies for absence.

2 **Declarations of interest**

Members are asked to declare any personal interest, and the nature of the interest, which they may have in any of the items under consideration at this meeting (please refer to the notes at the end of the agenda).

3 **Minutes**

To sign as a correct record the attached minutes of the meetings of the Finance and General Purposes Committee held on 15<sup>th</sup> November 2011.

4 **Matters Arising**

To discuss any matters arising from the previous meeting not covered elsewhere on the agenda.

5 **Statements and Questions from the Public**

To receive any statements and questions; these need to be submitted in writing to the Town Clerk no later than 5pm on Monday 12<sup>th</sup> December 2011. These may be e-mailed to [enquiries@abingdon.gov.uk](mailto:enquiries@abingdon.gov.uk), with a copy to [nigel.warner@abingdon.gov.uk](mailto:nigel.warner@abingdon.gov.uk).

6 **Draft Budget Estimates 2012/13**

To receive and consider the report of the Town Clerk in relation to the above (to follow).

7 **Exclusion of the public, including the press**

The Chair will move:

That in accordance with section 1 (2) of the Public Bodies (Admissions to Meetings) Act 1960 (as extended by Section 100 of the Local Government Act 1972), the public (including the press) be excluded from the meeting because of the confidential nature of the business to be transacted.

**8 Confidential Appendix**

To sign as a correct record the Confidential Appendix of the meeting of the Finance and General Purposes Committee held on 15<sup>th</sup> November 2011 and to consider any matters arising.

**Notes on Declarations of Interest**

1. Any member arriving after the start of the meeting is asked to declare personal interests, as necessary, as soon as practicable after their arrival even if the item in question has been considered.
2. With the exception of the circumstances listed in paragraph 9 (2) of the Local Code of Conduct for Members, a member with a personal interest also has a prejudicial interest if it is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest. In such circumstances, the member should withdraw from the meeting room and should inform the Chair immediately.
3. It is not practical for the Town Clerk to offer detailed advice during the meeting on whether or not a personal interest should be declared, or whether a personal interest should also be regarded as prejudicial.

**Minutes of the Finance and General Purposes Committee held on 15<sup>th</sup> November 2011 at 7.00 pm at the Old Abbey House.**

**Present**

Cllr Sandy Lovatt	Chairman, Chairman of Audit & Performance Sub-Committee
Cllr Peter Jones	Chairman of Planning & Highways Committee
Cllr Angela Lawrence	
Cllr Iain Littlejohn	
Cllr Monica Lovatt	
Cllr Katie Nobes	
Cllr Alison Rooke	

**In Attendance**

Cllr Jeanette Halliday	
Cllr Andrew Todd	
Nigel Warner	Town Clerk
Mrs Sandra Hill	Deputy Town Clerk
Mr Steve Rich	Head of Service Delivery
Ms Heather Brown	Manager Choose Abingdon Partnership

**SECTION 1 (Open to the Public including the Press)**

**Part A**

**F45 Apologies**

Apologies were received from Cllr Marilyn Badcock, Vice Chairman & Chairman of Amenities & Recreation Ctte, Cllr Julie Mayhew-Archer, Chairman of County Hall Museum Management Committee and Cllr Michael Badcock, Ex-officio, Mayor of Abingdon.

**F46 Declarations of interest**

Councillors Peter Jones and Sandy Lovatt declared a personal interest in any matters relating to the Oxfordshire County Council.

Councillors Peter Jones, Angela Lawrence and Sandy Lovatt declared a personal interest in any matters relating to the Vale of White Horse District Council as they are members of that authority. Councillors Peter Jones and Sandy Lovatt declared a personal interest in relation to the item at minute F57, the open air swimming pool, as this facility is owned by the District Council. Councillor Angela Lawrence declared a personal and prejudicial interest in relation to the item at minute F57, the open air swimming pool, as this facility is owned by the District Council.

Cllr Alison Rooke declared a personal interest in relation to the item at Minute F55, Grants Sub-Committee, as there was a recommendation in relation to a grant made by the Abingdon Performing Arts Groups Enterprise (APAGE). APAGE includes within its membership a number of clubs and societies, including the Abingdon Operatic Society, of which Cllr Rooke is a member. Cllr Rooke also declared an interest in the item at minute F58, Markets, and particularly in relation to the application by the Chamber of Commerce for a Fair Trade Market, as she had assisted at the Fairtrade market in August 2011.

Cllr Sandy Lovatt declared a personal interest in the item at F55, Grants Sub-Committee, as there was a recommendation in relation to a grant to the Abingdon-on-Thames Chamber of Commerce of which he is a member. He also declared an interest in relation to the item at Minute F58, Markets, as this included an application by the Chamber of Commerce to hold a number of markets.

Cllr Monica Lovatt declared a personal interest in the item in relation to F58, Markets, and in particular the application for a fair trade market, as she is a member of the Abingdon Fair Trade Group.

F47 **Presentation by the Choose Abingdon Partnership**

The Chairman welcomed Heather Brown, Manager of the Choose Abingdon Partnership, to the meeting. Ms Brown made a presentation relating to the work of the Partnership and its Forward Strategy.

Ms Brown stated that in November 2009 the Partnership issued a strategy document and since then a number of projects had been taken forward. These included the What's On leaflet, the Gazebo Scheme, the Community Shop, the Local Excellence Markets, the Loyalty Card Scheme, the Town Map Project, the 52 Things To Do Booklet, Walks Booklets, the Abingdon Video, and miscellaneous examples of positive PR and publicity in relation to Abingdon. The various projects had benefitted the community, business, and visitor economies.

Ms Brown presented the partnership strategy for the period from 2012 onwards, which had been developed over the summer and had now been approved by the partnership. A copy of the strategy was circulated at the meeting and was to be circulated electronically to all members of the Council. She talked members through the way in which the strategy had been developed and talked about the vision of the Partnership, its elevator message, the boundaries of its operation, the strategic planning method which had been used, the various projects which had come forward and how these had been analysed so that the Board could decide on its priorities. Ms Brown also talked about the governance of the partnership and its desire to increase income from non-council sources.

The Service Delivery Manager, Mr Steve Rich, referred to comments regarding the difficulty of siting a scenic map on the Market Place and suggested that an ideal place for a multi-sided notice board would be at the location of the telephone boxes. This had been explored previously by the Council but the cost of removing the boxes had made this prohibitive; however, he suggested that this be revisited.

The Chairman, Cllr Sandy Lovatt, thanked Ms Brown on behalf of the Committee for a very informative presentation. He considered that the Choose Abingdon Partnership was a model for other towns and stated that he looked forward to working with the Partnership over the coming years.

*Cllr Jeanette Halliday and Ms Brown left the meeting following this item, it being 7.40pm.*

F48 **Minutes**

**Resolved:** that the minutes of the meeting of the Finance and General Purposes Committee held on 18<sup>th</sup> October 2011 be signed by the Chairman as a correct record.

**F49 Matters Arising**

There were no matters arising which were not covered elsewhere on the agenda.

**F50 Statements and Questions from the Public**

None

The Chairman moved and it was resolved that the order of business be altered and the Financial report considered at this point, because it was pertinent to much of the business of the meeting.

**F51 Financial report**

The Committee received and considered the report of the Town Clerk and Responsible Financial Officer in relation to the above.

In response to a query from a Member, the Town Clerk stated that the main area of financial risk against the budget was the Guildhall. The Council's strategy had been agreed in relation to the Guildhall, the need to decide on the future direction of the Guildhall and undertake the necessary business planning, to then make the necessary building improvements and then market an improved facility. Consequently income from lettings was not likely to increase until the improvements had been made, and there would be a decrease when parts of the building were unavailable. The decision to opt to tax for VAT purposes, which allowed a considerable amount of input tax to be refunded, had meant that income from lettings was reduced by a sixth. There were opportunities to reduce expenditure which the Council would wish to revisit, the major one being the charitable trust option, which would attract a mandatory 80% reduction against business rates.

It was noted that the Council's first draft of the budget would be presented to the meeting on 13<sup>th</sup> December 2011.

The Chairman, Sandy Lovatt, stated that there were some savings against the Abingdon in Bloom budget and suggested that the Committee should consider whether this could be vired towards the completion of the MG Garden Project.

It was **resolved**

1. To note the report of the Town Clerk and Responsible Financial Officer;
2. To approve the schedule of payments for August and September 2011;
3. To approve the management accounts for the year to date.

**F52 Matters referred**

**Amenities and Recreation Committee**

The Committee received and considered the report of the Town Clerk in relation to the above.

The Vice Chairman of the Amenities and Recreation Committee, Cllr Andrew Todd, stated that the proposal referred by the Amenities and Recreation Committee was for the purchase of a basic four-wheel drive vehicle. This was a basic utility vehicle

which would be replacing an existing van, and would prove to be very useful for the work of the team. The Service Delivery Manager, Mr Steve Rich, stated that the officers were recommending purchase of this vehicle and had gone through potential vehicles very carefully. Cllr Alison Rooke asked that environmental criteria be taken into account on making the final purchase. The matter had been referred to the Finance and General Purposes Committee because those budgets shown below with an asterisk \*, were the responsibility of this Committee.

It was **resolved** that one of the Kubistar vans, due for replacement in 2012, be replaced with an appropriate four wheel pick-up vehicle capable of transporting four passengers, at a cost of £15,000, and that this be funded as follows:

Vehicle Replacement Fund (earmarked reserve)	£5,500 *
Trade in of Kubistar (income)	£2,000 *
Capital works equipment (current year budget line 499/4844)	£4,000 *
Cemetery improvement fund (vire from current year budget 211/4156) <i>(there being sufficient funds following the setting out of the new cremated remains area to allow this virement to take place)</i>	£3,500

*The Head of Service Delivery left the meeting following discussion of this item, it being 8.00 pm.*

**F53 Audit and Performance Sub-Committee**

The Committee received and considered the minutes of the Audit and Performance Sub-Committee of 26<sup>th</sup> October 2011 as circulated with the agenda.

Cllr Alison Rooke stated that she understood that at the Committee a suggestion had been made that there was a scrutiny role in relation to the work of this Committee and therefore she suggested that if there are matters where a delegation to be exercised by the Town Clerk in consultation with the Chairman that this also ought to be extended to one of the Opposition Committee members on this Committee. Following a discussion regarding this matter, this was agreed in principle.

**Resolved:** that the Minutes of the Audit and Performance Sub-Committee of 26<sup>th</sup> October, together with the recommendations contained therein, including the terms of reference, be approved.

**F54 Communications Sub-Committee**

The Committee received and considered the minutes of the meeting of the Communications Sub-Committee of 3<sup>rd</sup> November 2011. A member noted that there was a resolved item to consider "twitter" at the next meeting, but that as the communications strategy was yet to be adopted, that this was premature.

**Resolved:** that the Minutes of the Communications Sub-Committee of 3<sup>rd</sup> November 2011, together with the recommendations contained therein be approved.

**F55 Grants Sub-Committee**

The Committee received and considered the minutes of the meeting of the Grants Sub-Committee of 7<sup>th</sup> November 2011.

Members considered the recommendations in relation to the award of grants. The Chairman of the Sub-Committee, Cllr Monica Lovatt, reported that the Carnegie Forum were wishing to hire the Guildhall as the school halls were not available due to other school uses, principally examinations.

In relation to the grant to the Chamber of Commerce Christmas events, it was noted that for 2012 the Chamber were seeking additional private sponsorship.

It was noted that the fund for Environmental Projects had now been re-named to reflect the previous name joint committee which allocated these grants, the Joint Environmental Trust (the JET) and would be referred to as such hereafter.

In response to a query in relation to the application by the Town Council to the JET for financial assistance, the Town Clerk stated that there had been a long-standing contribution by the JET and its predecessor joint committee towards the costs of watering the Abingdon-in-Bloom floral displays. It was noted that under the agreement for dispersal of the JET grants, this would also be subject to approval by Abingdon Councillors from the Vale of White Horse District Council, and that the resolution should be read with this condition in mind.

It was **resolved**:

(i) That grants be awarded as follows:

Abingdon Concert Band	£400;
Abingdon Carnegie Forum	£500;
Abingdon-on-Thames Chamber of Commerce	£500;
Abingdon Performing Arts Enterprise (APAGE)	£750.

(ii) That JET grants be awarded as follows:

Abingdon Town Council	£1,680.
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(iii) That the application from the Abingdon Partnership 2012 in relation to funding a farewell party for a French Exchange from Argentan, be declined.

The Chairman moved at this point that the order of business be altered to allow a matter of confidential business to be transacted so that the officer giving the report could leave the meeting following the item.

*Cllr Alison Rooke declared a personal interest in relation to a grant made by the Abingdon Performing Arts Groups Enterprise (APAGE). APAGE includes within its membership a number of clubs and societies, including the Abingdon Operatic Society, of which Cllr Rooke is a member.*

*Cllr Sandy Lovatt declared a personal interest in relation to a grant to the Abingdon-on-Thames Chamber of Commerce of which he is a member.*

F56 **Exclusion of the Public, including the Press**

The Chairman moved and it was **resolved**:

That in accordance with section 1 (2) of the Public Bodies (Admissions to Meetings) Act 1960 (as extended by Section 100 of the Local Government Act 1972), the public

(including the press) be excluded from the meeting because of the confidential nature of the business to be transacted.

**F57 Open air swimming pool**

The Committee received and considered the confidential report of the Deputy Town Clerk, as circulated with the agenda, in relation to the above.

Discussion on this matter and the resolution adopted are contained in the confidential appendix to these minutes.

*Councillors Peter Jones and Sandy Lovatt declared a personal interest in relation to this matter, as members of the Vale of White Horse District Council, as this facility is owned by the District Council. Councillor Angela Lawrence declared a personal and prejudicial interest in relation to this matter, as a member of the Vale of White Horse District Council, as this facility is owned by the District Council, and left the meeting during discussion of this item.*

*The Deputy Town Clerk left the meeting following consideration of this item, it being 8.55 pm.*

**F58 Markets**

The Committee received and considered the report of the Town Clerk, as circulated with the agenda, in relation to the above.

The Town Clerk stated that under law, markets are an incorporeal hereditament and the rights to hold markets in Abingdon are owned by the Town Council. The Council had two established markets, the Monday market (retail market) and the monthly Friday market (Farmers' market, on the third Friday). All other markets were authorised by the Council on a periodic basis under the Food Act 1984.

**Resolved:**

1. that in accordance with the Council's powers under the Food Act 1984, the Council create markets on the following dates:

Chamber of Commerce Fairtrade Market	3 <sup>rd</sup> March 2012;
French market	22 <sup>nd</sup> to 24 <sup>th</sup> March 2012;
Choose Abingdon Local Excellence Market	30 <sup>th</sup> March and 30 <sup>th</sup> June 2012;
Chamber of Commerce Members' Showcase Days	14 <sup>th</sup> April and 19 <sup>th</sup> May 2012.

For the avoidance of doubt, the creation of these markets relates only to the dates set out above and does not imply the creation of a permanent market.

2. That in relation to the Fairtrade Market and the Chamber of Commerce Members' Showcase Days:
  - (i) No charge should be made for any stalls which are not selling goods, and giving away information and samples.
  - (ii) A charge at the Council's agreed rate for market tolls should be levied for any stalls which are selling goods.

Note also that the above markets are additional to those which have been authorised at previous meetings.

*Cllr Alison Rooke also declared an interest in relation to the application by the Chamber of Commerce for a Fair Trade Markets as she had previously assisted at the market which took place in August 2011.*

*Cllr Sandy Lovatt declared a personal interest in relation to the application by the Chamber of Commerce to hold a number of markets as he is a member of the Chamber.*

*Cllr Monica Lovatt declared a personal interest in the application for a fair trade market, as she is a member of the Abingdon Fair Trade Group.*

F59 **Democratic matters – Representation on outside bodies and public participation at meetings**

The Committee received and considered the report of the Town Clerk, as circulated with the agenda, in relation to the above.

**1. Representation on outside bodies**

The report of the Town Clerk in relation to the above, was received and considered. This included draft advice to Members as shown in italics, below:

*The Town Council appoints councillors as representatives to outside bodies when requested to do so. There is a developing trend of some bodies acquiring charitable status, in which case, members of its management committee become registered trustees of the charity. Trusteeships, along with directorships, carry specific responsibilities under the law. In particular:*

- 1) Trustees/directors are required to act solely in the interests of the organisation of which they are a board member.*
- 2) Trustees/directors are required to vote on decisions taken by the board and, even if they voted against a decision or were absent when the vote was taken, they are required to abide by and support the decisions of the board.*
- 3) Trustees and directors incur certain responsibilities and liabilities for the management of the organisation.*

*This creates a potential prejudicial interest for councillors, which would exclude them from all discussion and voting in Council, or in Council Committees, on matters concerning an outside body to which they are appointed by the Council and are, by virtue of that appointment, a trustee or a director.*

*As elected members of a legally constituted public authority, councillors are assumed to act in the best overall interest of all residents within the Abingdon Town Council's area of administration. Where a councillor has a prejudicial interest, the code of conduct for councillors requires that councillor to withdraw completely from all participation in debate or decision making on the matter in question.*

*The advice to councillors is therefore to decline offers to become trustees or directors of outside bodies to which they are appointed by the Council. The reason for this is that the Council's purposes in appointing a representative are, among other reasons:*

- a) To explain and support the Council's policies to outside bodies
- b) To advise the outside body on Council matters and procedures.
- c) To advise the Council, where required, on issues affecting outside bodies.

Councillors cannot fulfil these requirements if they are a trustee or a director because of:

- a) The conflict of loyalty that this creates.
- b) The code of conduct issues that would arise from any participation in decision making as a director/trustee

Councillors should advise their outside bodies that they are not members of the management committee, but representatives of the Abingdon Town Council and are there in an advisory capacity. If present at meetings of the management committee, they should be recorded in the minutes of the meeting as being "in attendance as representatives of the Abingdon Town Council". Councillors must not participate in any vote on any decision taken by the management committee. If the board does not wish an agenda item to be communicated outside the organisation, the councillor should withdraw and not participate in, or be able to overhear any discussion, concerning the debate on any such item. Outside bodies should be advised to establish a separate, confidential agenda to deal with such issues.

The exceptions to this advice on accepting a trusteeship are:

- a) The Christ's Hospital, for which special status is assigned to Council appointees. The link between the Council and Christ's Hospital is very old and may well be constitutional, possibly dating back to the original charter of the Council. Nevertheless, the Code of Conduct rules still apply regarding any conflict of interest.
- b) Organisations such as Choose Abingdon Partnership (ChAPs) where the appointee is placed on the board to safeguard the Council's interest by virtue of the fact that the Council funds, wholly or partially, that body.

In a nutshell; an appointed councillor can best serve the outside body if they are not made a trustee or a director, because of the code of conduct rules. When approached to accept a trusteeship or directorship of an outside body councillors should explain this to the organisation.

Members noted the issues in relation to representatives becoming trustees of outside bodies and the legal implications of this. The Chairman stated that becoming a trustee could lead to a personal and prejudicial interest having to be declared at Council meetings due to potential conflicts of interest. There was a discussion on whether the advice should be advisory or obligatory.

It was **recommended**:

1. That the above advice to Members regarding representation on outside bodies be adopted and take the status of advice;
2. That representatives on outside bodies report annually at the Annual Parish Meeting;
3. That following adoption of this recommendation, all outside bodies be informed of the advice and the survey referred to at the September meeting then be carried out.

## 2. Public Participation at Meetings

The Committee received and considered the report of the Town Clerk, as circulated with the agenda, in relation to the above.

It was noted that the Council had a policy of allowing the public to make statements and ask questions at its meetings, and its policy is included in a code of practice in relation to admission of the public and press for meetings. Whilst the code of practice itself relates to meetings of the Town Council, this had over the years been extended to all other standing committee meetings.

Members agreed that the Council should consider formally extending the right of the public to participate to standing committees in accordance with the Council's practice.

The Town Clerk then recommended that the Council should amend its standing orders to regulate public participation and it was agreed that, as matter affecting the democratic procedures of the Town Council, a motion should be proposed by Cllr Sandy Lovatt, as Leader of the Council, and seconded by Cllr Alison Rooke, as Leader of the Opposition, to amend Standing Order 24, Admission of the Public and Press to Meetings. This currently stated:

*The public and press shall be admitted to all meetings of the Council and its committees. Council and committee meetings may, however, temporarily exclude the public or the press or both by means of the following resolution:*

*"That in accordance with section 1 (2) of the public Bodies (Admissions to Meetings) Act 1960 (as extended by Section 100 of the Local Government Act 1972), the public (including the press) be excluded from the meeting because of the confidential nature of the business to be transacted."*

The change to Standing Orders would be that the existing Standing Order to become part (a) and then a part (b) added that:

*"subject to Standing Order 24 (a) above, members of the public are permitted to make representations, ask questions and give evidence in respect of any item of business included in the agenda for any meeting of the Council (with the exception of the Annual Meeting) and its standing committees, in accordance with the Council's code of practice in relation to public participation."*

The motion would require a proposal to vary standing orders the next meeting of the Council, and discussion and decision on the variation would then be adjourned for a cycle of meetings.

### **It was recommended:**

1. That the right of the public to participate at Council meetings be extended to standing committees in accordance with the Council's practice.
2. That authority be delegated to the Town Clerk to redraft the Code of Practice, to then be circulated to Cllr Sandy Lovatt, as Leader of the Council, and Cllr Alison Rooke, as Leader of the Opposition, before being resubmitted to the meeting of this Committee on 17<sup>th</sup> January 2012.

F60 **Publicity**

Members **resolved** to publicise:

1. The new Joint Environmental Trust schemes;
2. The Guildhall Phase 1 improvements, following selection and confirmation of contractors.

F61 **Exclusion of the Public, including the Press**

The Chairman moved and it was **resolved**:

That in accordance with section 1 (2) of the Public Bodies (Admissions to Meetings) Act 1960 (as extended by Section 100 of the Local Government Act 1972), the public (including the press) be excluded from the meeting because of the confidential nature of the business to be transacted.

F62 **Matters referred**

County Hall Museum Management Committee

The Committee received and considered the confidential report of the Town Clerk, as circulated with the agenda, in relation to the above.

**Resolved:** that the recommendations of the County Hall Museum Management Committee, as amended and detailed in the confidential appendix to these minutes, be approved.

F63 **Staffing Matters**

The Committee received and considered the confidential report of the Town Clerk, as circulated with the agenda, in relation to the above.

**Resolved:** that the course of action as detailed in the confidential report of the Town Clerk, be approved as summarised in the confidential appendix to these minutes.

The meeting rose at 9.35 pm.