

PORTLAND TOWN COUNCIL

TOWN COUNCIL MEETING HELD AT 7pm ON WEDNESDAY 27th MARCH 2019 AT PORTLAND COMMUNITY VENUE

PRESENT:

Councillors: Rob Hughes, Dave Thurston, Sandy West, Jim Draper, Sue Cocking, Charlie Flack (acting Chairman), Ray Nowak, Jo Atwell, Chris Gover, Tim Gomm and Rod Wild.

IN ATTENDANCE:

Andy Matthews (Neighbourhood Plan Working Group) and 7 members of the public.

3839. Chairman's Welcome

Cllr. Flack chaired the meeting as Cllr. Nowak was unwell. He welcomed all to the meeting and advised that there was no planned fire alarm testing and indicated to those present the various fire exits.

3840. Prayers

As the Mayor's Chaplain was absent the Rev. Tim Gomm led the meeting in prayer.

3841. Apologies for Absence

There were no apologies for absence received.

3842. Declarations of Interest

No declarations were received.

3843. To Approve the Minutes of the Meeting Held on 13th February 2019

With the exception of one amendment, item 3823 – should have read January 2019 and not February 2019, the minutes of the previous meeting were agreed to be a true and accurate record of the meeting and signed by the Chairman.

3844. Minute Update and Matters Arising

Item 3835 - Remembrance Day – Cllr. Gomm advised that he had attended a Legion Committee meeting and provided feedback from the last Full Council Meeting. He proposed that he and the new parade master, Mr Shoher be permitted to attend the next events meeting so that they could advise on the organisation of the next Remembrance Day event, recognising that they would take the lead and Portland Town Council (PTC) would provide support.

3845. Democratic Public Half Hour Open Forum

- a. Mr Dave Darby – (Portland Bowls Club) asked whether there were any minutes had been taken at the recent meeting at the Portland Community Venue (PCV), when the Chairman and fellow Councillors had met with local volunteer groups? The Clerk explained that it had always been the intention for this meeting to be informal and that no minutes had been produced.
- b. Mr Darby then asked whether the Dog Warden would still be the dog warden after April 1st, 2019? The Chairman was unable to answer and undertook to seek advice on the situation of the dog warden post 1st April 2019.

Action with the Chairman to seek advice on the dog warden.

- c. Mr Darby asked why the Wardens who patrolled the sea front in Weymouth did not come to Portland? Cllr. Wild explained that they were part of the Weymouth bid and not paid for by the Borough Council, they were therefore retained in Weymouth only.

- d. He further asked whether the lettering on the American War Memorial in Victoria Gardens was to be re-painted. The Chairman advised that a meeting had been held with the County's asset team and had been assured that money for the repainting of this memorial together with the cenotaph had been assigned and that the work on the refurbishment of both of these memorials would be undertaken.
- e. He then asked about the goal posts that had previously been situated at Officer's Field. The goal posts which had been removed when Officer's Field had been closed temporarily for the Olympics were to have been re-furbished and returned together with the re-turfing of the field itself. He accepted that the field had been re-seeded, but the goal posts had not been returned. The Chairman explained to Mr Darby that with the disbandment of Weymouth and Portland Borough Council on 31st March 2019 it might be a little difficult to determine what had happened to the goal posts. Cllr. Nowak advised the meeting that the land would be transferred back to Portland Town Council (PTC) on the 1st April 2019 but that it was unlikely to come with the £50,000 to cover the cost of maintenance.
- f. Having reviewed the proposed meeting plan, Mr Paul Snow requested that as there to be no Full Council Meeting in December 2019, could the draft precept and budget be made available for review by the public at the November meeting. He explained that to delay the publication of the draft precept and budget until the January 2020 meeting left little time to review and comment before the submission of the figures in mid-January.

The minutes note the request by Mr Snow that the draft precept and budget be made available for public review at the Full Council meeting to be held in November 2019.

- g. Mr Matthews drew the meeting's attention to the matters discussed at the previous weeks Planning and Highways Committee and the action agreed therein. He advised that Post May 2019 it would be the third council that he had assisted with progressing the Neighbourhood Plan and his experience to date was that it could take a few months for new Councillors to understand the relevant issues. At the same time, given the potential importance for the Neighbourhood Plan to influence the pattern and nature of development on Portland, which he felt required a sensitive approach, he sought the support of the outgoing Council to secure an enhanced mandate to continue to progress work including any case for resources during this time. He added that he would be grateful if this request and support could be formally noted in the minutes so he could refer to this if need be.

The minutes note and supported the request by Mr Matthews that the outgoing Council secure an enhanced mandate to support the progress of the Neighbourhood Plan.

- h. Mr Vincent stated that he wished it to be known that he disagreed with the response made by Cllr. Gomm in item 3825 of the previous minutes. The minutes record Cllr. Gomm as stating that, in discussing the precept at a previous meeting the Chairman had declared an interest (as a Trustee) of Portland Museum. Cllr. Gomm responded by saying that he felt that he was just stating a fact. Mr Vincent, reading from the minutes of the January meeting, referred to the fact that no declarations of interest had been made and that those minutes had been signed as a true and accurate reflection of the meeting. Cllr. Gomm apologised for any misconception and stated that he had been speaking from memory and once again apologised if this had been incorrect.

3846. Chairman's Update

- a. Transfer of Services and Assets to Portland Town Council (PTC) – Cllr. Cocking (as Chair of the Finance Committee) provided an update on those Services and Assets being transferred to PTC. She advised that meetings had continued with both the

County Council and Weymouth and Portland Borough Council the aim being to clarify which assets would transfer on 1st April and, following a slight diversion on how and when the services and assets would be transferred, it had now been confirmed that they would be transferred to PTC under an Memorandum of Understanding on 1st April 2019 and that the MoU would remain in place until such time that the legal aspects could be completed, which was anticipated to take six months. She went on to clarify some of the contracts that had been signed to provide support to the services, noting that the majority of the arrangements would commence on 1st April 2019.

- i. A one-year contract had been signed with Glen Cleaning Services for the cleaning of the toilets.
- ii. A two-year contract had been signed with PHS for the removal of sanitary waste, including nappies etc.
- iii. For the big green spaces, a one-year contract had been agreed with Wessex Grounds Services who would provide a grass cutting service. In addition, a contract had been let with Garden Duck to provide a gardening service to maintain the PVC grounds had been arranged.
- iv. Insurance had been obtained to cover the ride on mower and insurance for the van was currently being sought.
- v. A service level agreement (SLA) had been signed with the crematorium services to provide admin support until such time that it could be passed to PTC to manage.
- vi. Increased insurance for public liability risks had been obtained at no extra cost.
- vii. A new head Gardener had been employed and the existing Gardener was to TUPE across from W&PBC on 1st April. In addition, a seasonal Gardener had been offered a six-month contract and was to start on 8th April 2019.
- viii. Cllr. Cocking also advised that she and Cllr. Draper had been out to review the current W&PBC signs and were in the process of arranging for adhesive signage to be provided that would temporarily cover the old signs until such time that the assets were legally transferred to PTC.

She explained that the discussions had been long and protracted and she was in no doubt that there were still more issues to be dealt with. She advised that she would keep everyone apprised of the new arrangements as they came into place.

Cllr. Gomm sought clarification on the MoU and the actions to be complete during that time. Cllr. Cocking explained that the MoU was to be in place for up to a year and during that time the County were providing dedicated resource to undertake the legal activities necessary to make the permanent transfer. She went on to explain that the plan was to physically transfer all of the associated keys on Friday.

Cllr. Thurston asked about Church Ope Car Park and the agreement of a lease with Betterment. The Chairman advised that the lease had been agreed and would take effect from 1st April 2019. Cllr. Thurston went on to state that he felt that the car park was in a dangerous state and he felt that having to pay £600.00 per year in rent for the car park was not acceptable. He asked that an approach to Betterment be made to waive the first years rent. The responsible finance officer felt that it would be better to wait until an invoice had been presented and then try to negotiate a reduction.

Cllr. Thurston proposed that, on receipt of the first invoice Betterment be approached with a view to seeking a reduction in the rent to cover necessary maintenance to the car park. This was unanimously agreed.

On receipt of the first invoice from Betterment the RFO is to contact the Landlord and seek a reduction in the first years rent.

Cllr. Nowak added that it had been previously agreed that the car park would be taken on as it stood but felt there was nothing to lose in asking the question. He also added that, in the interest of safety he advised that a quantity of aggregate be purchased to reduce the risk of a liability claim.

Cllr. Hughes reminded the meeting that as we were within 6 weeks of an election (and in purdah) the Committee were not in a position to be able to make any new decisions that would affect the Council going forward and that Cllr. Thurston's proposal should be rescinded. This was accepted however, as Cllr. Gover pointed out the state of the car park presented an immediate health and safety issue and believed that this constituted an exceptional circumstance. Cllr. Draper added that as money had already been allocated for the maintenance of the car parks no new money was being committed. As such Cllr. Gover proposed that Cllr. Thurston's proposal stand. A vote was taken, and a unanimous decision returned that the RFO would seek a reduction in the first years rent and that he should also ask Betterment for approval to put additional aggregate down in the car park.

In addition to the previous action, the RFO is to seek approval from Betterment that additional aggregate be added in the Church Ope car park. In the event that Betterment agree then a proposal for the purchase and laying of aggregate is to be put before the next decision-making committee.

3847. Town Mayor's Announcements

- a. The Mayor advised the meeting of the engagements he had attended during February and March 2019 and for the record these are attached at **Annex A**.
- b. The Chairman extended a warm welcome to Mr David Avery who is the new head gardener.

3848. Receive written reports from Borough and County Councillors

- a. No written reports were received.
- b. The Chairman advised that he had been informed that the Planning Authority had refused the planning application to build 3 houses in the beer garden of the New Inn.

3849. Financial Matters

a. Payments for Authorisation

Cllr. Cocking (as Chairman of the Finance Committee) presented payments for March 2019 totalling £11,116.92 for authorisation and approval. Details of the payments presented can be found at **Annex B** to these minutes.

Of note she explained that there were several payments to SW-IT, some of this was for the replacement of a computer screen, a new stand-alone system, two new laptops (with encryption) and cloud storage which, once implemented would reduce the risk of the loss of important information.

She also mentioned that the C&N electrical services payment was to install motion sensitive lighting around the PCV. The change to motion sensitive lighting was in response to comments by the residence that the outside lights, once on, stayed on until around 10pm. She added that the addition of motion sensitive lights would provide additional safety to the PCV.

The payment to PD fire and safety was for the annual fire check and the replacement of some non-operational fire extinguishers.

Cllr. Cocking proposed that the payments detailed be authorised.

Authorisation of the payments was unanimously approved

b. Financial Report to 27th March 2019

The RFO provided his financial report and this can be found at **Annex C** to these minutes. He explained that the important point to note was that whilst he had, throughout the year been predicting a slight underspend on the precept, in the last month that had crept over the 100% and now stood at 106% at £85,683.68, being a 6% overspend. However, this figure sat well within the NALC guidelines of an overspend of no greater than 10%.

He explained that the overspend had been due to staff salaries and the appointment of additional staff and professional fees, incurred through the requirement to engage legal services in support of the purchase of the PCV, the transfer of Weston Playing Field and Church Ope car park.

Cllr. Draper asked whether any of the overspend was in support of the impending Local Government Review (LGR) and the transfer of services and assets? The RFO explained that to date there had been a spend of £891.20 in support of LGR in this financial year.

The RFO sought approval for the Financial report.

The 4th quarter Financial report to 27th March 2019 was unanimously agreed.

c. Re-alignment of Budgets

Cllr. Cocking stated that she wished to discuss the re-alignment of some of the budgeted figures. She explained that when putting the budgets together for 2019/20 and specifically to support the requirements of LGR there had, without any definitive information to work with, there had, through necessity been the need for a degree of estimation on the figures. Now with some contracts in place she was looking to re-align some of the budgets to make them more accurate.

- i. She explained that based on the information provided from W&PBC the public toilets budget had been set at £90,000 however, following a competition the contract for the cleaning of the toilets had been let at £34,000.00, which was considerably less than that advised by W&PBC, although she acknowledged that the figure provided by W&PBC had included the toilets at Ferrybridge which were not being transferred to PTC. She was therefore seeking to move £25,000.00 from the Toilets budget to the Payroll budget. The transfer of this amount would cover the costs of employing a seasonal gardener. She reiterated that the bottom-line Precept budget did not change.
- ii. She also stated that as this was the first year of LGR she expected that there may be more requests throughout the year to realign budgets.

Cllr. Cocking sought the meetings approval to move £25,000.00 from the Toilet Budget to the Payroll budget.

The proposed move of £25,000.00 from the Toilet Budget to the Payroll Budget was unanimously agreed.

3850. Review of Financial Limits

- a. Cllr. Cocking advised that the RFO had suggested that the Standing Orders needed to be reviewed with a view to re-setting the Financial limits to an appropriate level; taking this advice she was proposing a change in the Financial Limits. She explained that she was seeking approval for the Finance Committee to have authority to commit up to £3,000.00 per transaction. She acknowledged that the Finance Committee had had authority for spend in connection with the PCV up to £5,000.00 but that authority had ended on 31st December 2019. The Chairman added that it had been a recommendation of the recent audit to increase the authority to commit and the RFO

added that there was a need for PTC to be fit for purpose going forward especially with an increased precept. Cllr. Cocking explained that all payments authorised would as now, would be presented to Full Council, but what she was seeking to achieve was that smaller businesses did not have an excessive wait for payment. Cllr. Gover proposed that the change should wait until after the new Council was formed but Cllr. Draper agreed with Cllr. Cocking in that the change needed to be made immediately for payments due at the start of the new financial years, and added, that in the event that the new Council did not agree with the decision then there would be an opportunity to re-write the standing orders after six months. Cllr. Nowak stated that whilst he did not agree with the amount he did agree with the principles of the request and acknowledged that the Finance Committee were charged with the running of the business.

A vote was taken on the proposal that the Finance Committee be given authority to approve spend of up to £3,000.00; a majority vote was returned.

The RFO is to amend the Standing Orders to show that the Finance Committee have authority to approve spend of up to £3,000.00 per transaction.

b. Revised Procurement Levels

Cllr. Cocking requested that the meeting consider a revision to the procurement levels and if agreed an amendment to the Standing Orders be made. She proposed that:

- i. For any requirement under the value of £500.00 only one quote would be required.
- ii. For any requirement with an anticipated value of greater than £500.00 then where possible, three quotes would be obtained.
- iii. For any requirement with an anticipated value of greater than £3,000.00 then three quotes must be obtained.
- iv. For emergency issues that affected health and safety then a limit of £2,000.00 be set before it was necessary to attempt to gain three quotes.

A vote was taken on the implementation of the revised procurement levels; a majority vote was returned with one objection.

The RFO is to amend the Standing Orders to show the revised procurement levels.

3851 – Increase of Hours for the Responsible Finance Officer

The Town Clerk had submitted a report to support the proposal to increase the RFO's hours. This report can be found at **Annex D**.

Cllr. Hughes enquired whether this change would require the generation of a further contract? It was explained that it would not, but rather it would simply be an amendment to the existing contract which would still complete naturally on 30th June 2019. In addition there was an extant action on the Clerk to provide a report to the staffing committee for discussion on 10th April 2019.

A vote was taken on the proposal to increase the Responsible Finance Officer's hours from 13 to 22 from 1st April 2019. A majority response was returned.

The hours currently worked by the RFO to be increased from 13 to 22 from 1st April 2019.

3852 – Approval of Meeting Dates for 2019/20

- a. The Chairman advised that a problem had been identified with the proposed meeting dates in July in that a Full Council Meeting and a Planning and Highways Meeting

were being proposed on the same date (24th). As this was not possible it was proposed that the Planning and Highways Meeting be re-scheduled for 17th July.

The Chairman proposed that the Planning and Highways meeting be moved to the 17th July 2019.

A vote was taken, with a majority agreement being returned that the Planning and Highways meeting proposed for 24th July 2019 be moved to 17th July 2019.

The Clerk to amend the meeting schedule to show the Planning and Highways meeting on 17th July rather than 24th July 2019.

- b. Cllr. Nowak proposed that the Marine, Environment and Tourism (MET) meetings be reduced from 4 a year to 3 a year. He proposed that the meeting to be held in December 2019 be moved to November 2019 and the one scheduled for September 2019 be removed entirely.
- c. The Chairman sought clarification on whether it was necessary, given the maturity of the Neighbourhood Plan (NP) to hold any further meetings specifically to discuss the NP, but rather any issues should now be dealt with at the Planning and Highways meeting.

A vote was taken on proposals b and c with a majority vote being returned.

The Clerk to amend the meeting schedule to reduce the MET meetings from 4 a year to 3 and to remove the NP meetings in their entirety.

3853. Portland Community Venue (PCV) update

Cllr. Cocking provided an update on the activities of the PCV, advising that the PCV open day was to take place on Saturday 30th March; praising the PCV administrator for the hard work she had put in to make it a success. She asked that anyone who had yet to offer their services and wished to help would be most welcome. She added that the event would take place from 11am to 3pm and continued that there were numerous local organisations that would be manning stalls along with some craft stall holders and a wide-ranging variety of entertainers. She advised the meeting that the car park would only be open to blue badge holders and for Rebecca Knox who would be the guest of honour and who would unveil the plaque.

She further explained that the PCV administrator had signed up two new community groups to use the venue; yoga and Pilates.

Cllr. Gomm asked whether the bicycle repair man had moved in yet, and was told yes, he had taken over the old Caretaker's area. Cllr. Gomm also asked whether the bicycle repair man would be able to use the bunker for extra storage? Cllr. Cocking stated that it had been the intention to use the bunker for the storage of sandbags but that she would speak to the PCV co-ordinator to see whether that would be an option, but warned that there was a constant request for additional storage which was a finite resource within the venue.

She further advised that a LEADER grant audit had been undertaken by Mr Andy Jeffries (LEADER Grant sponsor) and whilst it had gone very well and Mr Jeffries had spent a couple of hours at the Venue, it should be noted that there would be a periodic requirement for up to 5 years to provide evidence in support of the grant provided. To that end Cllr. Cocking advised that she had put a file together (held in the office) which contained all of the existing paperwork which would support any future audits.

She also informed the meeting that Sir Christopher Lees, who was involved with the LEADER grant and had presented the initial cheque would be attending the Open Day on Saturday and she felt that for him to have seen the building from before the refurbishment until now when it was being used for the original purpose would be the ultimate in demonstrating what had been achieved.

3854 – Portland Services Update

- a. **Delegation of authority to sign legal documentation on behalf of PTC** – The Clerk explained that with LGR there had been an influx in agreements that required a signature almost immediately to be able to meet the required response date. Currently it was generally accepted that the Chairman would sign, but this was not always possible to arrange with such a short turn around time. What she was seeking was a delegated authority such that other Councillors and Officers be allowed, in addition to the Chairman to sign agreements which included SLA's, MoU's and Leases. Cllr. Draper proposed that it be any two Officers, or any two Councillors be authorised to sign legal agreements. That is that two signatures are required for any legal agreement, and this can be a combination of any Officers or Councillors.

The Chairman proposed that authority be delegated to other Officers and Councillors to sign legal agreements. A vote was taken, and a majority agreement was returned.

Authority to sign legal documents is delegated to Councillors in addition to the Chairman, and to Officers of PTC on the proviso that two signatures are provided.

3855 – Nominations for Mayor, Deputy Mayor and Chairman

Nomination of Mayor - The Chairman stated that it was always difficult in an election year to determine who should be Mayor, given the uncertainty of re-election however, it was incumbent on the Council to make preparations for Mayor, Deputy Mayor and Council Chairman. To that end all of the Councillors had been asked to submit their nominations for the posts (the responses are held at **Annex E**).

The Chairman proposed that Cllr. Cocking, subject to her re-election be Mayor for 2019/20. A vote was taken, and a unanimous vote returned.

Subject to her re-election Cllr. Cocking is to be Mayor of Portland for the year 2019/20.

Nomination of Deputy Mayor - Moving on the election of Deputy Mayor, two options were proposed; a) that election to the office of Deputy Mayor be deferred until after the elections and b) that a seniority list be compiled to determine who should be offered the office of Deputy Mayor.

Cllr. Thurston explained that he was in favour of deferring the decision until after the elections; he believed that in the event that Cllr. Cocking was re-elected then having only a Mayor for a short time was acceptable as she would be able to undertake any civic duties required. In addition, he felt that those Councillors with sufficient seniority had already been Mayor and it would be preferable to wait until after the elections as it would allow someone who had not previously held the office of Mayor or Deputy Mayor an opportunity.

Cllr. Cocking suggested that a way forward was to have an informal Council meeting shortly after the elections which would not only as an induction meeting for new Councillors but also provide the opportunity to be able to discuss in private whether any newly elected Councillors wished to be considered for the office of Deputy Mayor. Cllr. Atwell asked whether it was an acceptable assumption that the Deputy Mayor became the Mayor in the following year? It was generally agreed that whilst that was the assumption it was not always the case.

Cllr. Wild wished to make it known that he did not agree with the proposal to defer the decision until after the elections. He felt that there was a risk if the person nominated as Mayor was not re-elected then this risk could be mitigated if a Deputy Mayor had been nominated, although he accepted that there was no guarantee that either would be re-elected. He felt that the position of Mayor and Deputy Mayor were honorary ones and needed to be held by experienced Councillors and further that having a seniority list ensured that. He further added that he was an advocate of the seniority list and that the Council should be seeking nominations now. Cllr. Gover felt that it was an interesting question and asked the assembled meeting if any Councillors that were standing would like to be considered as

Deputy Mayor? Cllr. Draper stated that the opportunity had been provided to all Councillors to either nominate another or self-nominate themselves so to ask the question again was not necessary.

In an effort to bring the discussion to a conclusion Cllr. Cocking formally proposed that the decision to appoint the Deputy Mayor be deferred until after the elections in May, and further that an informal meeting be convened on 6th May of which one of the items will be the confirmation of the Mayor and election of the Deputy Mayor. This will allow for the agenda to be issued on the 8th May to support the meetings of the 13th and 14th May. This proposal was put to a vote and received majority approval with one objection.

An informal induction meeting is to be arranged for 6th May with all elected Councillors.

Nomination of Chairman – The Chairman explained that Cllr. Nowak had been the Chairman for the last 3 years and whilst having done an excellent job now felt that it was time for him to hand over to someone else. The only person who had been nominated as Chairman was Cllr. Flack (acting Chairman), this nomination had been supported by 5 additional Councillors. Cllr. Nowak reminded the meeting that it was policy to nominate a Mayor, who was also the Chairman and a Deputy Mayor who would also be the Deputy Chairman. The decision of PTC five years ago to have a separate Chairman was not in accordance with policy and there was a risk that the decision could be challenged however, he felt that whilst it could be challenged it was not illegal and worked well not only for this Council but for numerous others. Cllr. West felt that the decision to separate out the office of Chairman had been an excellent one and one which had allowed the Mayor and Deputy Mayor to concentrate on civic duties whilst the Chairman was able to take care of day to day business. Cllr. West wished it to be shown in the minutes that she believed that Cllr. Nowak had done an excellent job during his time as Chairman of PTC and thanked him for all of his efforts and commitment. Cllr. Nowak encouraged Cllr. Flack to take on the role and proposed a vote on the appointment of Cllr. Flack as the new Chairman of PTC. A vote was taken which returned a unanimous decision.

Subject to his re-election Cllr. Flack is to be the new Chairman of Portland Town Council.

3856. Exclusion of Press & Public (discretionary)

There were no matters to discuss.

3857. Date of Next Meeting

The Committee's next meeting is scheduled to take place on Wednesday, 17th April 2019 at the Portland Community Venue at 7.00 pm.

The meeting ended at 20.45 hours.

Signed Dated.....
Chairman