

PORTLAND TOWN COUNCIL

Council Offices
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PORTLAND
Dorset
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13th September 2017

Dear Councillor

You are hereby summoned to attend the **TOWN COUNCIL MEETING**, to be held in **EASTON METHODIST CHURCH HALL, EASTON** on **WEDNESDAY, 20TH SEPTEMBER 2017**, commencing at **7.00 pm** when the business set out below will be transacted.

It should be noted that it is the Council's intention that all meetings of the Council and its Committees be recorded aurally.

Yours faithfully

Ian Looker
Town Clerk

AGENDA

- 1. Chairman's Welcome**
- 2. Prayers**
- 3. Apologies for Absence** – to receive
- 4. Declarations of Interest** – to receive any declarations from Councillors or Officers of pecuniary or non-pecuniary interests regarding matters to be considered at this meeting, together with a statement on the nature of those interests.
- 5. Open Forum**
 - a) Police** – to receive a report
 - b) Public Half-Hour** (Limit: three minutes per speaker, thirty minutes total)
 - c) Reports from Borough and County Councillors** – to receive
- 6. Minutes**
 - a) Town Council Meeting, 19th July 2017** (attached)
 - b) Extraordinary Town Council Meeting, 6th September 2017** (attached) – to agree and sign
- 7. Minute Update and Matters Arising from the Minutes** (attached) – to receive
- 8. Written Questions for the Chairman** – to receive replies
- 9. Town Mayor's Announcements**
- 10. Financial Matters**
 - a) Payments for Authorisation, August** (attached) **and September** (to follow) – to approve
 - b) 2017/18 Financial Report to 31st August 2017** (attached) – to accept
 - c) Virement** – to approve virement of £1,000 from Contingencies to Civic Expenditure
- 11. Small Claim** – to receive an update from Cllr. Flack

- 12. General Power of Competence** – to consider the motion – that the Council meets the conditions of eligibility for the General Power of Competence (see attached)
- 13. Finance Committee, 16th August 2017** – to consider the following recommendations:-
- a) Purchase of Weedkiller**
“that Cllr. Wild present a costed report to Town Council.” (attached)
 - b) Bank Accounts**
“that the Council open a six-month saver account at the Nationwide Building Society with £50,000.”
 - c) CiLCA Qualification**
the staffing review recommendation that the Clerk be graded to LC2 (SCP 30-34) on the midpoint SCP 32, having obtained CiLCA, and the Finance Committee’s recommendation, “that the Council approve the pay increase, the money to be taken from reserves.” (see attached)
 - d) Assistant Clerk**
“that the additional funding be taken from Contingencies.” (see attached)
 - e) Terms of Reference**
“that the amended list be presented to the Town Council for approval.” (attached)
 - f) Review of Accounts System**
“that the Council continue to use the existing Quickbooks system and review this arrangement as part of the 2018/19 budget process.”
 - g) Wreaths and Resources for Civic Events**
“that Council reviews (1) its Remembrance Sunday donation to the Royal British Legion and (2) which civic events it intends to hold in the course of the municipal year.” (see attached)
 - h) Council Offices Loan**
“Recognising the importance of the subject that current circumstances preclude full consideration, the Committee recommends it be deferred until circumstances are clearer.”
- 14. Events**
- a) Fourth Lottery Event**
 - b) Easton Promise** – to receive a report from Cllr. Nowak

- 15. Marine, Environment & Tourism Partnership Meeting, 6th September 2017** – to consider the recommendation, “that the Council donates £1,000 to Portland Visitor Information Centre towards the printing of 20,000 more tourist maps at the end of the year.”
- 16. Cleaning Contract** – to receive an update from Cllr. Cocking
- 17. Artist Row and Lord Clyde Toilets** – to receive a report from Cllr. Nowak on possible asset transfers from the Borough
- 18. Devolution** – to receive a written report from the Clerk (attached) and a report from Cllr. Nowak
- 19. Property Request from B-side** – to consider the motion from Cllr. Grieve, “that the Council approve the request from B-side regarding the Borough Council-owned asset at the top of Brandy Row (by the storm barrier)” (attached)
- 20. Ceremonial and Non-Ceremonial Protocols** – to note the receipt from Dorset County Council of protocols relating to deaths of members of the Royal Family. (These protocols have a restricted circulation. See also attached.)
- 21. Reports from Representatives to Outside Bodies and Voluntary Posts** – to receive
- 22. Exclusion of Press & Public (discretionary)**
“That pursuant to the provisions of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for Agenda Item(s) ... by reason of the confidential nature of the business to be transacted.”
- 23. Date of Next Meeting**
The next meeting of the Town Council is scheduled to take place at Easton Methodist Church Hall on Wednesday, 18th October 2017 at 7.00 pm.

PORTLAND TOWN COUNCIL

TOWN COUNCIL MEETING HELD ON WEDNESDAY, 19TH JULY 2017 IN THE PETER TRIM HALL, ST. GEORGE'S CENTRE

PRESENT: Councillors Ray Nowak (Chairman), Jo Atwell, Susan Cocking (from 8.25 pm), Jim Draper, Charlie Flack, Chris Gover, Lucy Grieve, David Thurston, Sandy West (from 7.20 pm) and Rod Wild.

IN ATTENDANCE: Ian Looker (Town Clerk), David Farmer (Mayor's Chaplain), Cllrs. Katharine Garcia (Dorset County Council), and Paul Kimber (Weymouth & Portland Borough Council), Andy Matthews (Neighbourhood Plan Working Group), two officers of Dorset Police and four members of the public.

3470 – CHAIRMAN'S WELCOME

Cllr. Nowak welcomed all to the meeting and advised of fire precautions at the hall.

3471 – PRAYERS

The Mayor's Chaplain led the meeting in prayer.

3472 – APOLOGIES FOR ABSENCE

Apologies were received from Cllrs. Susan Cocking (early part of meeting) and Sue Lees, together with Kate Wheller (Dorset County Council and Weymouth & Portland Borough Council.)

3473 – DECLARATIONS OF INTEREST

There were none.

3474 – OPEN FORUM

a) Police Question Time

Cllr. Grieve asked concerning a break-in at St. George's. The Police representative said enquiries were proceeding.

b) Public Half-Hour

Jess Nagel expressed regret about the closure of the Lloyds Bank branch and asked whether there was any possibility of a replacement being found.

Cllr. Flack said he had asked Tesco, but they had nothing planned until a possible refurbishment in five or six years' time.

Mrs Nagel also congratulated the Council for organising the Search and Rescue ceremony and associated community event, both of which she said had been very much appreciated by Islanders.

June Morley queried the planning fee being paid for the change of use application covering 52 Easton Street. From the chair Cllr. Nowak explained that this was a technical planning requirement.

Andy Matthews noted items on the agenda associated with local government reorganisation and encouraged the Council to seek funding support for the likely operational changes.

c) Reports from Borough and County Councillors

Cllr. Garcia reported that she had attended a lively Grove Neighbourhood Watch meeting, when a number of issues had been raised and she would also be seeing the governor of the YOI. The Dorset Race Equality Council would be providing an article for the Free Portland News following the circulation of a letter on the Island. Cllr. Garcia also commended the County's Living and Learning project on the Island.

Cllr. Nowak felt this project had shown up a communications gap between the County and Town Council as representatives of the community, suggesting that Cllr. Garcia might encourage the County to deal more directly with the Town.

Cllr. Kimber noted that a village without a bank had succeeded in attracting a branch of the Nationwide Building Society, so he would be writing to the Society in the hope of a similar success. Regarding the community bus service he had received a letter from a resident suggesting a two or three-day service linking the remoter residential areas of the Island, which he offered to pass on to members.

Cllr. Nowak said the Borough had e-mailed him confirming the sale of plots of land as envisaged. However they had agreed to retain the car park at Park Road, as well as offering the site on Artists Row and the Lord Clyde toilets to the Town Council. He had tabled a motion at the Borough Council that action be taken to develop St. Andrew's House.

(Cllr. West joined the meeting during the above item.)

3475 – MINUTES OF THE TOWN COUNCIL MEETING ON 28TH JUNE 2017

The minutes were formally approved and signed as a correct record.

3476 – MINUTE UPDATE AND MATTERS ARISING FROM THE MINUTES

Minute 3461 – Grass-Cutting Contracts

Cllr. Grieve asked that the second sentence be deleted as it was not an accurate representation.

The Clerk said Cllr. Grieve and he had agreed an extension of the cutting area and an addition to the specification to include weeds on the tarmac path immediately adjacent to the land sculpture. He would notify the contractor of these and enquire of him concerning the elements as yet uncut.

3477 – WRITTEN QUESTIONS FOR THE CHAIRMAN

There were none.

3478 – TOWN MAYOR'S ANNOUNCEMENTS

Cllr. Thurston added his comments on the Search and Rescue, with thanks to Stone Firms for providing the plaque and Tesco for their contribution to the ceremony. Richard Drax would be reporting back to Parliament on the proceedings.

The Ceremony of the Keys this year would probably be held at IPACA.

Cllr. Wild reminded members of the Passchendaele Centenary service on 31st July.

3479 – FINANCIAL MATTERS

a) Payments for Authorisation

RESOLVED – that the schedule of invoices (including cheque refs. 300131 - 300133) in the sum of £6,856.54 including VAT be authorised for payment.

b) 2017/18 Financial Report to 30th June 2017

RESOLVED – that the report be accepted.

3480 – EVENTS & TOURISM WORKING GROUP

Details of the Summer Fete were discussed. As it was the first time it was being held stall-holders would be asked for a donation rather than a fee.

The next Working Group meeting would be held on 25th July.

3481 – SPIRIT OF PORTLAND

It was agreed to pay £150 to advertise Spirit of Portland in the Free Portland News.

3482 – SMALL CLAIM

This item was deferred until after Agenda Item 24.

3483 – COUNCIL GRANTS, 2017/8

RESOLVED – that the alterations to the Grant Scheme recommended by the Finance Committee be accepted.

3484 – PROPOSED WEYMOUTH TOWN COUNCIL

RESOLVED – that the report be noted.

3485 – GENERAL POWER OF COMPETENCE

It was proposed by Cllr. Nowak and **RESOLVED** – that the item be deferred in order that more information and a definite proposal be provided.

3486 – JAPANESE KNOTWEED

It was proposed by Cllr. Nowak and **RESOLVED** – that the report be noted and a small working group produce a response to the MET Partnership recommendations for discussion at the MET meeting in September.

It was agreed the working group would comprise Cllrs. Atwell, Flack and Nowak.

3487 – DAPTC ANNUAL GENERAL MEETING, 2017

RESOLVED – that the motion be accepted as drafted, Japanese Knotweed – that the Government (1) carry out a review of the occurrence of Japanese knotweed in this country and, because of its invasive nature, (2) provide funding for public and private landowners to eradicate it from their property.

It was proposed by Cllr. Wild and **RESOLVED** – that the Secretary of State for Communities and Local Government be asked to consider that the standard consultation period for planning applications be extended from 21 to 31 days.

3488 – PRIMARY SCHOOL IN UNDERHILL

This item was deferred until after Agenda Item 24.

3489 – OFFICE KEYS

It was proposed by Cllr. Atwell and **RESOLVED** – that any Councillor be given both the external and internal keys to the Offices if they should request them.

3490 – CILCA QUALIFICATIONS

3491 – ASSISTANT CLERK

These items were deferred until after Agenda Item 24.

(Cllr. Cocking joined the meeting.)

3492 – REPORTS FROM REPRESENTATIVES TO OUTSIDE BODIES AND VOLUNTARY POSTS

Cllr. Wild reported on a recent meeting about the care of war memorials. Grants were available for repairs but not cleaning. Cllr. Flack said he had already requested cleaning of the Portland Cenotaph via Cllr. Kimber. Cllr. Nowak undertook to prompt the Borough concerning this.

It was proposed by Cllr. Wild and **RESOLVED** – that the responsibility of the Ancient Monuments Liaison Officer include war memorials.

Cllr. Draper raised the topic of land trusts. This would be a means for the Council to build homes on the Island. A meeting to form a land trust had been arranged for 13th September and he encouraged members to attend. Sheltered accommodation and a new care home were also possibilities through a land trust.

3493 – EXCLUSION OF PRESS & PUBLIC

RESOLVED – that pursuant to the provisions of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for Agenda Items 13, 19, 21 and 22 by reason of the confidential nature of the business to be transacted.

3494 – SMALL CLAIM

It was proposed by Cllr. Nowak and **RESOLVED** – that the Council ring the Police, acquaint them with the details of the case and seek advice.

3495 – PRIMARY SCHOOL IN UNDERHILL

Cllr. Grieve acquainted members with details of the situation and possible action. It was agreed to defer further discussion to the Council meeting in September.

3496 – CILCA QUALIFICATION

It was proposed by Cllr. Cocking and **RESOLVED** – that the matter be taken to the Finance Committee with an estimate of the likely cost involved before discussion at the September Council meeting. Any increase agreed would be backdated.

3497 – ASSISTANT CLERK

RESOLVED – that the Council appoint an Assistant Clerk on LC1 (SCP 18 – 22), initially for 10 hours per week.

For: Cllrs. Atwell, Draper, Gover, Grieve, Thurston, West and Wild.

Against: Cllrs. Cocking and Nowak.

Abstention: Cllr. Flack.

3498 – DATE OF NEXT MEETING

The next scheduled meeting will take place on Wednesday, 20th September 2017, at Easton Methodist Church Hall, Easton starting at 7.00 pm.

The meeting ended at 9.25 pm.

Signed Dated.....
(Chair)

PORTLAND TOWN COUNCIL

EXTRAORDINARY TOWN COUNCIL MEETING HELD ON WEDNESDAY, 6TH SEPTEMBER 2017 IN EASTON METHODIST CHURCH HALL AT 6.45 PM

PRESENT: Councillors Charlie Flack (Chairman), Jo Atwell, Jim Draper, Lucy Grieve, Sue Lees and Rod Wild

IN ATTENDANCE: Ian Looker (Town Clerk), David Farmer (Mayor's Chaplain) and two members of the public.

3499 – CHAIRMAN'S WELCOME

Cllr. Flack welcomed all to the meeting and advised of fire precautions at the hall.

3500 – PRAYERS

The Mayor's Chaplain led the meeting in prayer.

3501 – APOLOGIES FOR ABSENCE

Apologies were received from Cllrs. Susan Cocking, Chris Gover, Ray Nowak, Sandra Reynolds, David Thurston and Sandy West, together with Cllrs. Katharine Garcia (Dorset County Council) and Penny McCartney (Weymouth & Portland Borough Council).

3502 – DECLARATIONS OF INTEREST

There were none.

3503 – PUBLIC PARTICIPATION

There were no questions or comments.

3504 – PLANNING COMMITTEE MINUTES, 23RD AUGUST 2017

The motion on the agenda was discussed. The words "and Community Nursery" were deleted as it was understood the County Council was not selling the nursery at this time. The words "a Community Asset" were altered to "an Asset of Community Value" as it was thought to be the officially desired form of words.

RESOLVED – that the Council nominates Brackenbury Infants School as an Asset of Community Value.

3505 – DATE OF NEXT MEETING

The next scheduled meeting will take place on Wednesday, 20th September 2017, at Easton Methodist Church Hall, Easton starting at 7.00 pm.

The meeting ended at 6.50 pm.

Signed Dated.....
(Chair)

MINUTE UPDATE

a) Minute 3476 – Grass-Cutting Contract

Discussions are ongoing at the time of writing. The contractor will be submitting further alternative quotations.

b) Minute 3486 – Japanese Knotweed

Presumably the working group did not meet because of Cllr. Nowak's indisposition.

c) Minute 3488 – Primary School in Underhill

The Town Council has nominated Brackenbury Infants School as an asset of community value. The Borough Council now has eight weeks to decide whether the asset has been properly nominated.

d) Minute 3494 – Small Claim

The Police told us they could not be involved in the case as it was a civil matter.

**List of Payments for Approval
up to 16th August 2017**

Cheque No Invoice Recd	Payee	Goods / Services	Cost	VAT	Total
BACS 28.7.17	Brandon Hire Ltd	Hire of three toilet units for one week for Portland Fete	221.25	44.25	265.50
BACS 4.7.17	Artsmiths	Advertisement in Free Portland News, July 2017, for Spirit of Portland	125.00	25.00	150.00
BACS 3.8.17	Artsmiths	Advertisement in Free Portland News, August 2017	14.00	2.80	16.80
Direct Debit 7.8.17	Comms UK	Telephone charges, July 2017	18.05	3.61	21.66
BACS 2.8.17	Consortium	Stationery	77.12	15.42	92.54
BACS 24.7, 14.8.17	CRC	Grass cutting at West Weares in May and July	616.00	123.20	739.20 ¹
BACS	Dorset CC	Superannuation contributions, August 2017	558.86	-	558.86
BACS 14.8.17	Easton Methodist Church	Hire of hall on 26.7.17	27.00	-	27.00
BACS	HM Revenue & Customs	Tax and NI contributions, August 2017	339.31	-	339.31
BACS 31.7.17	Island of Portland Heritage Trust	Hire of hall on 19.7.17	22.50	-	22.50
BACS 14.8.17	Ian Looker	Reimbursement of payment to Digital River for Kaspersky Total Security 2017 for three devices	41.66	8.33	49.99
BACS 14.8.17	Ian Looker	Reimbursement of payment to Choice Stationery Supplies for printer cartridges	35.33	7.06	42.39
300 134 14.8.17	Terry Mutter	Cleaning front of Offices, 14.8.17	5.00	-	5.00
BACS 24.7.17	Cllr Ray Nowak	Reimbursement of payment to Hifi-Tower Ltd for megaphone	33.32	6.67	39.99
BACS 24.7.17	Performing Rights Society	Permit for general music, 24.7.17 - 23.7.18	29.30	5.86	35.16
BACS 7.8.17	SSE	Electricity charges for offices and flat, 10.5.17 - 31.7.17	733.19	146.45	879.64 ²
BACS (2)	Staff Relocation	Travelling expenses, July 2017	61.55	-	61.55
BACS (2)	Staff Salaries	Salaries and overtime, August 2017	1,654.87	-	1,654.87
Direct Debit	Weymouth & Portland BC	Council tax, August 2017	127.00	-	127.00
300 135 8.8.17	Mark White	Repairs to roof of Offices	30.00	-	30.00
BACS 26.7.17	Zurich Municipal	Additional Insurance for events	78.40	-	78.40

Totals £4,848.71 £388.66 £5,237.37

¹ Approved by Finance Committee, 16.8.17

² Not yet approved by Finance Committee. Ongoing. Meter check to be carried out on 2.10.17.

308.00 61.60 369.60

2017/18 FINANCIAL REPORT TO 31ST AUGUST 2017

The target for expenditure and income this month is 42% of the budget figure.

Expenditure

Salaries	Increase £1,490	Provision for Assistant Clerk
Civic Expenditure	Increase £900	Expenditure on SAR Ceremony, Ceremony of Keys to come
Hire of Halls	Decrease £200	Adjustment to current spending level
Postage	Decrease £50	Adjustment to current spending level
Telephone/Internet	Increase £100	Adjustment to current spending level
Lottery-Funded Events	Increase £600	Adjustment to current spending level
Office Move	Increase £400	Adjustment to current spending level
Total	Increase £3,240	

Income

Council Offices Rent	Decrease £1,000	Adjustment to current income level
Lottery-Funded Events	Increase £470	Adjustment to current income level
Total	Decrease £530	

Agenda Item 10(b)

Portland Town Council - Financial Report, 20.9.17

	Budget 2017/18	Expend. 2016/17	Expend. to 31.8.17	Projected 2017/18	Paid / Rec'd to Date (%)
EXPENDITURE					
Salaries	30,500	30,152	12,765	30,950	41.85
Advertising	286	229	89	250	31.12
Audit	1,326	890	251	890	18.93
Bank Charges	70	185	18	100	25.71
Civic Expenditure	1,020	579	1,788	2,100	175.29
Computer Equipment	306	236	0	0	0.00
Computer Software	367	21	155	20	42.23
IT Support	255	0	150	250	58.82
Contingency	5,000	0	0	0	0.00
Council Offices	12,000	25,019	3,440	13,400	28.67
Elections	4,000	4,209	0	0	0.00
Furniture & Equipment	624	365	128	520	20.51
Hire of Halls	857	990	363	880	42.36
Honorarium	100	100	100	100	100.00
Insurance	1,530	1,250	829	830	54.18
Legal Fees	0	703	0	0	-
Mayoral Allowance	1,000	1,000	1,000	1,000	100.00
Postage	500	545	170	500	34.00
Publications	20	114	0	20	0.00
Stationery	700	684	340	900	48.57
Subscriptions	1,632	1,638	1,334	1,650	81.74
Telephone / Internet	510	605	286	700	56.08
Training / Conferences	800	285	285	400	35.63
Travelling & Subsistence	102	142	7	100	6.86
Sub-Total	63,505	69,941	23,498	55,560	37.00
Cheyne Weares	0	236	0	0	-
Gifts and Donations	102	93	40	100	39.22
Grants	1,000	1,915	125	1,000	12.50
Landscape Maintenance	6,000	1,284	498	1,800	8.30
Lottery-Funded Events	500	901	1,744	2,000	348.80
Lottery-Funded Facilities	1,000	0	0	0	0.00
Neighbourhood Plan	3,000	3,923	4,179	12,000	139.30
Office Move	800	4,298	935	1,500	116.88
Projects	5,000	1,400	0	1,400	0.00
Town Crier	50	35	0	40	0.00
Website	1,224	1,290	56	1,400	4.58
Sub-Total	18,676	15,375	7,577	21,240	40.57
TOTAL	82,181	85,316	31,075	76,800	37.81

INCOME

Precept	76,132	63,679	38,066	76,192	50.00
Discount Grant	549	2,007	274	549	49.91
Compensation	0	50,000	0	0	-
Council Offices Rent	3,000	0	0	1,000	0.00
Fair	1,000	1,000	0	1,000	0.00
Hire of Halls Refund	0	1,350	0	0	-
Interest	0	192	0	0	-
Lottery-Funded Events	500	5,800	464	470	92.80
Lottery-Funded Facilities	1,000	0	0	0	0.00
Neighbourhood Plan Grant	0	3,375	4,500	9,000	-
Sale of Council Furniture	0	1,909	0	0	-
Other	0	231	0	0	-
TOTAL	82,181	129,543	43,304	88,211	52.69

SURPLUS / DEFICIT (-) FOR YEAR	0	44,227	12,229	11,411	
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RESERVES RELEASED

Lottery Fund					
Neighbourhood Plan	3,000		1,929	3,000	
TOTAL	3,000		1,929	3,000	
Net Total after Reserve Release	3,000		14,158	14,411	

Council Offices**Expend. to
31.8.17**

Council Tax	638
Electricity	106
Rent	2,625
Water & Sewerage	65
Building Materials	21
Contractor Payments	60
Insurance	355
Planning Fee	193
Refund of Contractor Payment	-623
Total	£3,440

Lottery Events**Expend. to
31.8.17**

Advertising	115	
Catering Expenses	200	
Equipment (inc Hire)	255	
Flags	450	
Insurance	78	
Licence	29	
Performance Fee	450	
Prizes	167	
Total Expenditure, 2017/18		1,744
Total Expenditure, 2016/17		901
		2,645
Projected Additional Expenditure		256
		2,901
Lottery Grant		-5,800
Projected Refund		-2,899
Income (less £40 donation)	-424	
Total	£1,320	

Neighbourhood Plan**Expend. to
31.8.17**

Consultant's Fee	4,050
Printing	74
Staff Overtime	55
Grant Received	-4,500
Reserves Released	-1,929
Total	-£2,250

GENERAL POWER OF COMPETENCE

The power “permits a local council to do anything an individual can do unless specifically prohibited by the general power or by other legislation. An eligible local council ... is still subject to the statutory limitations, restrictions or prohibitions that were in place before the introduction of the general power of competence or implemented after.”¹

The power is subject to two conditions, (1) that at least two-thirds of the councillors have been elected (Portland’s proportion is 79%), (2) that the clerk has a recognised local council qualification and relevant training in the exercise of the general power.² The power is confirmed by a resolution of the council and reaffirmed at the next “relevant annual meeting” of the council, provided the conditions are still met. If either of those conditions ceases to be met the council still retains the power until the term of that council ends.

As examples the power enables a council to:-

- facilitate a community shop, post office or pub
- lend or invest money
- set up a business or co-operative to trade commercially.

The power does not allow a council to exercise the functions of another local authority, nor can it trade through a company. If it does charge for its services that can only be to recover its costs, not for profit.

A copy of the Statutory Instrument and examples of the power in use are appended.

¹ “Local Councils Explained”, NALC, p. 29

² The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012

- (a) the parish council has passed a resolution under paragraph 1 of the Schedule; and
 - (b) at the next relevant annual meeting to be held after the meeting at which that resolution is passed, the parish council does not pass another resolution under that paragraph.
- (3) The council shall continue to be an eligible parish council for the purpose of completing any activity—
- (a) undertaken in the exercise of the general power, but
 - (b) not completed before the day of the meeting referred to in paragraph (2)(b).

Signed by authority of the Secretary of State for Communities and Local Government

Date

Name
Parliamentary Under Secretary of State
Department for Communities and Local
Government

SCHEDULE

Article 2

Conditions of eligibility

1. The council has resolved at a meeting of the council and each subsequent relevant annual meeting that it meets the conditions in paragraph 2 below.

2.—(1) At the time a resolution under paragraph 1 is passed —

- (a) the number of members of the council that have been declared to be elected⁽³⁾, whether at ordinary elections or at a by-election, is equal to or greater than two-thirds of the total number of members of the council;
- (b) the clerk to the parish council holds—
 - (i) the Certificate in Local Council Administration;
 - (ii) the Certificate of Higher Education in Local Policy;
 - (iii) the Certificate of Higher Education in Local Council Administration; or
 - (iv) the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire or its successor qualifications; and
- (c) the clerk to the parish council has completed the relevant training, unless such training was required for the purpose of obtaining a qualification of a description mentioned in paragraph (b).

(2) For the purposes of this paragraph “relevant training” means training—

- (a) in the exercise of the general power;
- (b) provided in accordance with the national training strategy for parish councils adopted by the National Association of Local Councils, as revised from time to time.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the conditions to be met by a parish council in order for it to be an eligible parish council for the purposes of section 8(2) of the Localism Act 2011 (“2011 Act”). An eligible parish council is a local authority for the purposes of Chapter 1 of Part 1 of the 2011 Act and so has a general power of competence in accordance with section 1 of that Act.

The conditions are prescribed in the Schedule to the Order and relate to—

- the council resolving that it meets the other conditions of eligibility;
- the proportion of councillors that are members of the council as a result of having been declared elected following an election, as opposed to being co-opted or appointed;
- the qualifications of the clerk to the parish council.

(3) In relation to declaring a person to be elected, see the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305), in particular, rules 14 and 50 of the Rules for Conduct of an Election of a Parish or community where the Poll is not taken together with Poll at another Election, and rules 14 and 50 of the Rules for Conduct of and Election of Councillors for a Parish or Community where the Poll is taken together with Poll at a relevant Election or Referendum.

The conditions in paragraph 2 of the Schedule must be met at the time the resolution in paragraph 1 of the Schedule is passed. If the conditions cease to be met after this time, the council will continue to be eligible until the next relevant annual meeting.

The national training strategy is published by NTS, a partnership of stakeholders led by the National Association of Parish Councils, and may be obtained from the association website at www.nalc.gov.uk.

Article 3 sets out the transitional arrangements which apply where a council ceases to be an eligible parish council (that is, where it does not pass a resolution at the next relevant annual meeting).

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

something to a war memorial which was not maintenance, repair or protection, eg it could re-site it. An omission is not a limitation.

The satisfaction of any condition refers to something which is required to be done by a local council before it can exercise a power which it already has. For example, under s 5 of the Parish Councils Act 1957, it is required to obtain certain consents before exercising its powers to place seats and shelters in particular positions. The section cannot be used to evade such conditions. On the other hand, it could be used to pay for seats, or shelters in situations (such as private property) which were not authorised by the Act of 1957.

Though the section may not be used if there is already a power conferred upon the council by some other enactment, this does not prevent it being used to effect something which another type of authority has power to do.

¹ Local Government Act 1972, s 137(1).

Actual uses

22.20 The following are examples of actual uses to which the power is known to have been put by local councils.

(a) Class 1: *small public properties*

- (i) seat outside the parish
- (ii) memorial plaques
- (iii) film projector
- (iv) repair of a bier-house
- (v) kerbing, resurfacing road or market
- (vi) set of parish china
- (vii) invalid wheelchair
- (viii) public telephone
- (ix) doctor's car radio
- (x) culvert
- (xi) bus turning-bay
- (xii) village surgery
- (xiii) duckhouse for village pond
- (xiv) repair of sheepwash
- (xv) repair of shipway

(b) Class 2: *preservation or restoration of old objects or buildings*

- (i) churches and chapels
- (ii) stocks, firehooks, pinfolds
- (iii) windmill
- (iv) biers
- (v) market and village cross
- (vi) contribution to local preservation society
- (vii) pounds
- (viii) jubilee arch

(c) Class 3: *improvement of appearance of villages*

- (i) civic trust type 'face lift' scheme
- (ii) removal of slaughterhouse
- (iii) planning competition
- (iv) landscaping
- (v) garden competition prizes

- (vi) local garden centre
- (vii) best-kept village competition
- (viii) litter competitions
- (ix) village sweeper
- (x) beach cleansing
- (xi) junk disposal or bottle bank
- (xii) clearance of commons
- (xiii) tidying land of unknown ownership
- (xiv) planting trees, shrubs and flowers

Class 4: *influence*

- (i) propaganda for civic centre
- (ii) contribution to Anti-Third London Airport Campaign
- (iii) support of organisations such as River Thames Society, Railway Protection Association

Class 5: *ceremonial and entertainment*

- (i) Christmas trees
- (ii) chains or badges of office
- (iii) sports prizes
- (iv) beating bounds
- (v) civic entertainments and services
- (vi) flower shows, festivals and fairs
- (vii) flags
- (viii) exhibitions

Class 6: *safety*

- (i) fencing dangerous places
- (ii) first-aid post
- (iii) road warden
- (iv) inshore rescue service
- (v) old people's distress cards and lights
- (vi) safety competitions
- (vii) road markings
- (viii) lectures on artificial respiration
- (ix) safety posts and bollards
- (x) ambulance competition entries
- (xi) accident committees
- (xii) life-belts and lifeguards
- (xiii) flood prevention

Class 7: *public information*

- (i) parish fixture lists and bulletins
- (ii) local publicity association
- (iii) letters of welcome to newcomers

Class 8: *contributions to voluntary bodies without premises*

- (i) play groups and youth clubs

Class 9: *social welfare*

- (i) flood relief
- (ii) mobile physiotherapy unit
- (iii) new ambulance
- (iv) assistance for the handicapped
- (v) meals on wheels
- (vi) welfare organisations
- (vii) marriage guidance and family planning

- (viii) sickness fund
- (ix) collection of medicines from distant dispensaries
- (x) village librarian
- (xi) day nursery
- (xii) Samaritans
- (j) Class 10: *recognition of exceptional or outstanding public service*
 - (i) non-pecuniary testimonials on retirement
 - (ii) gratuity to youths making historical discoveries
- (k) Class 11: *communication*
 - (i) repair of ford
 - (ii) temporary roads, private streets
 - (iii) 'no parking' signs
- (l) Class 12: *educational*
 - (i) history and local government lectures
 - (ii) further education grant
 - (iii) Duke of Edinburgh's scheme
 - (iv) compilation of village history
 - (v) Prince of Wales's Trust
 - (vi) essay competitions
- (m) Class 13: *miscellaneous*
 - (i) co-operative Christmas crib
 - (ii) restocking of river with trout
 - (iii) flower and vegetable show
 - (iv) village handyman
 - (v) purchase of South-East study

E POWER OF GENERAL COMPETENCE

22.21 Part 1 of the Localism Act 2011 provides for local authorities in England to have a general power of competence. Section 1 of the Act gives principal authorities and "eligible" parish councils a power to do anything that generally individuals of full age (ie over 18) can do. The power (with some restrictions – see below, 22.25) can be exercised in any way whatever, including:

- (a) anywhere in the United Kingdom or elsewhere;
- (b) for a commercial purpose or otherwise for a charge, or without charge; and
- (c) for, or otherwise than for, the benefit of the authority, its area or person resident or present in its area.

The generality of the power is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power.

Eligible parish councils

22.22 A parish council (but not a parish meeting of a parish where there is no parish council) is eligible if it comes within the compass of the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 (SI 2012/965). The Order lays down the following conditions for eligibility:

The council has resolved at a meeting of the council and each subsequent relevant annual meeting that it meets the conditions below.

At the time a resolution under paragraph 1 above is passed:

- (a) the number of members of the council that have been declared to be elected, whether at ordinary elections or at a by-election, is equal to or greater than two-thirds of the total number of members of the council;
- (b) the clerk to the parish council holds:
 - (i) the Certificate in Local Council Administration;
 - (ii) the Certificate of Higher Education in Local Policy;
 - (iii) the Certificate of Higher Education in Local Council Administration; or
 - (iv) the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire or its successor qualifications; and
- (c) the clerk to the parish council has completed the relevant training, unless such training was required for the purpose of obtaining a qualification of a description mentioned in paragraph (b) above.

For the purposes of this paragraph "relevant training" means training:

- (a) in the exercise of the general power;
- (b) provided in accordance with the national training strategy for parish councils adopted by the National Association of Local Councils, as revised from time to time.

22.23 A parish council which has adopted the general power of competence must not also incur expenditure under the Localism Act 2011, section 137, except under section 137(3) which empowers a council to donate to UK based charities, bodies providing a public service in the UK and public appeals for funds in relation to specific events affecting UK residents.

22.24 The power to promote well being enacted by the Local Government Act 2000 has been repealed in England but remains in force in Wales (see 35.21 below).

Limitations on the general power

22.25 The Localism Act 2011, section 2 sets out the boundaries of the general power, requiring local authorities to act in accordance with statutory limitations or restrictions. Limitations that apply to existing powers that are overlapped by the general power are applied to the general power. So for instance if an existing power requires a particular procedure to be followed, the same procedure will apply to the use of the general power to do the same thing. It also applies any express prohibitions, restrictions and limitations within primary or secondary legislation, to the use of the general power. A distinction is drawn between restrictions in pre-commencement legislation, and those in post-commencement legislation. Restrictions in post-commencement legislation will only apply to the general power where they are expressed to do so. The general power does not enable a local authority to make arrangements for the discharge of its functions or for governance beyond what is permitted under the Local Government Acts 1972 and 2000.

PURCHASE OF WEEDKILLER

I seem to remember the last lot was about £60. It lasted nearly a year, during which the office garden has been done twice, the pig farm footpath 3 times the unofficial footpath from New Church Close, Broomfield Terrace and a bit of Tout where nettles have closed the path and some emergency work on brambles in St Peters that were undermining the foundations. Cost in free labour would be about 5 hours.

Dave Ackerly`s lot don't spray so they only clear when paths are blocked. The owner of St Peters is uncontactable which is why I asked permission to use council spray on the area to assist the volunteers.

Rod Wild (Cllr)

FINANCE COMMITTEE, 16TH AUGUST 2017

c) CiLCA Qualification

The estimated cost in 2017/18 is £1,310.

d) Assistant Clerk

The additional funding is slightly under £1,500.

PORTLAND TOWN COUNCIL

FINANCE COMMITTEE

KEY MATTERS: Finance, property, communications, devolution, and resource management and monitoring

TERMS OF REFERENCE

MEMBERSHIP	Five members of Portland Town Council
QUORUM	Three members of the Committee
TERMS	The Council's Standing Orders apply to all meetings of the Committee. The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council. The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Chairman. Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council. The Committee will meet monthly. Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items. Members of the Committee will receive an agenda and supporting papers in accordance with the Council's Standing Orders. All members of the Council will receive a full agenda. Notice of meetings will be published in accordance with the Council's Standing Orders.
LIMITATIONS	Only members of the Committee may vote on agenda items. Non-members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chairman. Non-members of the Committee are subject to the same rules as Committee members regarding confidentiality and the requirements of the Code of Conduct. Non-members of the Committee have no more rights at Committee meetings than members of the public.

RESPONSIBILITIES	DELEGATED POWERS The committee has delegated authority:
To provide guidance to Committees and Council on overall levels of income and expenditure	To review and monitor the income and expenditure of the Council as a whole
To consider the annual draft budget	None
To recommend the draft precept to full Council	None
To authorise expenditure	To authorise payments within delegated powers
To receive financial reports and monitor and report to full Council	To monitor income and expenditure
To vire funds between budget allocations and bring forward funds from reserves as necessary	To vire funds between budget headings, noting that funds brought forward from reserves must not exceed £5,000 without the approval of Full Council
To consider and award contracts for work	To consider and award contracts for work up to the value of £5,000
To implement the procurement / tender procedures for contracts in excess of £25,000	To ensure that lawful procurement procedures followed including the publication and results of tenders
To review all policies and procedures related to financial matters	To ensure that all policies and procedures are compliant with statutory requirements
To review the Council's Asset Register To review the Council's insurance on an annual basis and ensure that the Council's property is adequately insured	Delegated authority to oversee insurance of the Council's property
To consider use, upkeep, leases, licences rents and fees for any facilities / buildings.	To review and be responsible for the efficient and effective management of the Council's assets
To ensure the preservation of probity and good financial practices within the Council	To annually review the financial practices of the Council
Debt monitoring and recovery to be the responsibility of the Committee (above a de minimis level of £7,000)	To recover debts on behalf of the Council

To consider the Internal Audit and External Audit reports, and report findings and recommendations to Full Council.	To review the Internal Audit and External Audit Reports implement any required actions
To consider grant applications	To consider whether applications meet Council criteria
To ensure that PAYE, NI and pension payments are appropriately deducted from employees' salaries and paid as required by law	To ensure that the Council complies with the employment law requirements
To lead on matters related to devolution and transfer of assets	
To monitor financial risk and ensure that adequate financial risk management is in place	To approve the internal audit plan, to review the risk assessment related to finance, and to review internal systems of control to ensure adequate financial risk management. To monitor regular financial reports and bank reconciliations from the external accountancy service
To monitor risk management and ensure that adequate risk management is in place	To receive and review all the Council's risk assessments annually
To oversee the management of all of the Council's property and assets	To ensure that the Council's property is managed properly
To manage the Council's reserves	To review the reserves strategy annually
To delegate areas of responsibility to either a sub-committee, or an officer	Power to delegate
To consider the recommendations of the Staffing Committee	To make recommendations to Full Council on matters related to pay and pensions for the Town Clerk To resolve pay, pensions & conditions for all other Council staff
Delegated financial powers within the approved budget for the current financial year	

WREATHS AND RESOURCES FOR CIVIC EVENTS

Last year the Council's donation to the Royal British Legion for its Remembrance Sunday wreath was £50.

The Council has held the following civic events in the current and preceding municipal years:-

2016/17

Mayor-Making
D-Day Landings Memorial
Battle of the Somme Memorial
Merchant Navy Day
Ceremony of the Keys
Christmas Civic Service

2017/18

Mayor-Making
D-Day Landings Memorial
Search and Rescue Ceremony
Passchendaele Memorial
Merchant Navy Day
Ceremony of the Keys (tba)
Civic Service (tba)

Lottery-funded events have not been included.

DEVOLUTION

The Finance Committee has delegated responsibility for devolution matters. Consequently I brought two NALC publications on the subject to the members' attention. The view was expressed that they were wordy and not suited to the Town Council's present needs. I did draw out from them an emphasis on consultation with the public, to find out what services residents think the Town Council should provide and where the emphasis ought to be placed.

If you wish to read them for yourself both can be viewed on the NALC website. "Devo Local: A White Paper for Empowering and Strengthening Local Democracy" is shown at www.nalc.gov.uk/library/publications/1798-devo-local-12-2015/file. The other, "Devo +", is out of immediate sight in the Members section. Please speak to me if you want more details.

Instead the Committee thought the immediate emphasis should be placed on the standard range of parish council powers and responsibilities, most of which are currently exercised by Weymouth & Portland Borough Council as far as Portland is concerned. The list of those powers in the handbook, "Local Councils Explained", is therefore appended. One interesting power dating from 2011 is that to submit an interest in running a service normally provided by a principal authority. Tourist and youth centres would be examples.

The list is accompanied by extracts from the websites of Blandford, Bridport, Dorchester, Swanage and Verwood Town Councils. They are intended to illustrate the range of services, assets and sources of income these councils enjoy. An indication of their budgets and precepts is also provided. The first four are long-standing towns with plenty of assets. Verwood by contrast is a town of much more recent foundation with fewer assets and a smaller budget, perhaps more akin to Portland's own situation.

PROPERTY REQUEST FROM B-SIDE

The request reads as follows:-

“We have, for some time, been talking of a space of our own on Portland, a physical presence, from which to develop the B-side programme of social engagement and arts on the island.

The little house at the end of Brandy row would be a perfect place....it is bigger than the space we have now (Outpost on the high street in Fortuneswell) and the footfall outside it would be greater - allowing us to be more accessible. It is also not too big, so that nurturing the building and our team and our visions for where B-side could grow would not be beyond our resources.

We would like to negotiate a collaboration between B-side and the council...so that we could make the building safe for use whilst it remained in council ownership. The practicalities of this relationship would need to be worked out, but in the first instance we are asking for Portland Town Council's blessing to seek to negotiation with W&PBC with a view to preserving the building and opening it up for community use. With current technology for example, we might envisage (through son et lumier) that it could tell the story of Portland shipwrecks one month...and then the history of the Prison on Portland ...or the quarries another month. It could be a pop up art space, an artists residence ...”



We only & Portia d
Borough Co. and
Bylaws
No cyclin
No ball games
on promenade

West Wales
• Bristol •
Island Pub
JUST
100 YARDS
TO GO
FOR
QUIDDY

CEREMONIAL AND NON-CEREMONIAL PROTOCOLS

The item is brought not with the intention of provoking much discussion, it is simply to make Councillors and residents aware that these matters have been considered by others in the county and procedures do exist in the event of a death of a member of the Royal Family.

As noted on the agenda the protocols have a restricted circulation. Suffice it to say that different protocols apply depending on the previous place in the Royal Family of the deceased member.