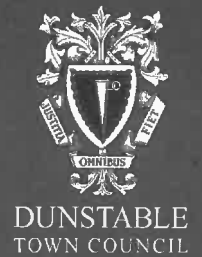


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David Ashlee Town Clerk and Chief Executive

Our Ref: **DA/RGS/C1**

Date: 25 January 2019

Dear Councillor

You are summoned to attend a meeting of Dunstable Town Council to be held in the Council Chamber, Grove House, 76 High Street North, Dunstable on **Monday 4 February 2019 at 7.00 pm** when the following business will be transacted.

AGENDA

1. Apologies for Absence
2. To authorise the Chairman to sign as a correct record the Minutes of the meeting of the Council held on 3 December 2018 (enclosed at page 1).
3. Specific Declarations of Interest.
4. Chairman's Remarks – (including Civic Events and Mayoral Activities as detailed in the report of Mayoral and Democratic Services Officer (see page 6).
5. Public Question Time
6. To answer questions under Standing Order 16
7. To receive reports of the undermentioned Committees:

<u>Committee</u>	<u>Date</u>	<u>Page</u>
Community Services	7 January 2019	8
Grounds and Environmental Services	14 January 2019	11
Finance and General Purposes	21 January 2019	15

Cont/d ...

- 2 -

DA/RGS/C1

25 January 2019

8. General Power of Competence – see page 19.

Yours faithfully

David Ashlee
Town Clerk and Chief Executive

To: All Members of Dunstable Town Council
Copies to: Central Bedfordshire Councillors for Dunstable for information

DUNSTABLE TOWN COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL

**HELD AT THE COUNCIL CHAMBER, GROVE HOUSE, HIGH STREET NORTH,
DUNSTABLE**

ON MONDAY 3 DECEMBER 2018

Present: Councillors John Kane (Town Mayor), Nigel Warren (Deputy Town Mayor), Sid Abbott, Lisa Bird, John Chatterley, Terry Colbourne, Philip Crawley, Jeannette Freeman, Eugene Ghent, Peter Hollick, Gloria Martin, Mike Mullany, Patricia Russell, Gladys Sanders, Ann Sparrow, Pat Staples and Johnson Tamara

In Attendance: David Ashlee (Town Clerk and Chief Executive), Rosemary O'Sullivan (Head of Finance and Support Services), John Crawley (Head of Grounds and Environmental Services), Becky Wisbey, Head of Community Services and Michele Markus (Mayoral and Democratic Services Officer)

Apologies for Absence: Councillors Liz Jones, Claire Meakins and J Woodward

Public Attendance: 2

Before the commencement of the meeting, the Town Mayor's Chaplain, Dr Johan Schoeman, led the Council in prayer

203 MINUTES

The Minutes of the meeting of the Council held 1 October 2018 were approved as a correct record and signed by the Town Mayor.

204 SPECIFIC DECLARATIONS OF INTEREST

Councillor	Interest	Agenda Item
Councillor Pat Staples	Personal interest – Dunstable Market	As may arise

205 TOWN MAYOR'S REMARKS

The Town Mayor referred to the report detailing his attendances at a variety of events since the last meeting of the Council, up to 22 November 2018. There had been many memorable events, particularly the Remembrance Day Parade and Service and the lighting of the Beacon on Dunstable Downs commemorating the 100th anniversary of the end of World War 1.

The Town Mayor was grateful to the Little Theatre for their offer of holding a fundraising evening on behalf of his charities at their January production of 'Glorious' on 22 January 2019. Full details would be sent in due course and he hoped members would be able to support the event.

206 PUBLIC QUESTION TIME

There were no questions put to the meeting.

207 QUESTIONS UNDER STANDING ORDER 16

There were no questions put to the meeting.

208 COMMUNITY SERVICES COMMITTEE

Town Centre Services (Minute 181/2018)

Councillor Abbott referred to a recent approach made by a street trader regarding the previous provision of free market stalls. The trader was seeking a second free stall and had previously approached other members, including Councillor Ghent who had clarified the position with the Town Clerk and Chief Executive, and the trader's request had been declined.

Members gave consideration to the further request and were reminded that when the Town Council ceased the management of the general market in February 2018, it was agreed that the Council would give the regular traders who became licensed street traders one free market stall, whether it be single or double being dependent on their pitch at the time. This had been adhered to.

Councillor Hollick advised that this issue had also been discussed at a recent Group meeting and it was considered that the Council had met its obligation to the former general market traders and the street trader would again be advised accordingly.

RESOLVED: i) that the request for an additional free stall be refused

ii) that Councillors Hollick and Ghent send a formal response to the trader accordingly.

b) Reports from Outside Organisations (Minute 182/2018)

Councillor Sparrow advised that she had submitted a report for Committee in respect of the Town Band but this had been omitted from the Agenda.

Councillor Staples advised that the Town Band had reported on a good summer with concerts in June, July, August and September and were now looking forward to the Christmas Concert on the Square. Planning for next summer's concerts would start in the next few weeks.

c) Minutes

RESOLVED: that, subject to the foregoing, the Minutes of the meeting of the Community Services Committee held on 29 October 2018 be received.

209 GROUNDS AND ENVIRONMENTAL SERVICES COMMITTEE

a) Recreation Grounds (Minute 188a/2018)

The Head of Grounds and Environmental Services confirmed that the report of the Institute of Groundsmanship on the grass pitches at Creasey Park had been received and was currently being analysed.

b) Dunstable War Memorial (Minute 188b/2018)

In answer to a question from Councillor Hollick, the Head of Grounds and Environmental Services clarified that the full cost of the refurbishment works to the War Memorial was in the region of £60,000 and funding contributions to date amounted to approximately £12,000. The total cost to the Council was therefore in the region of £48,000, slightly less than the agreed Council commitment of £50,000.

c) Allotments

In answer to a question from Councillor Mullany, the Head of Grounds and Environmental Services advised that, of the 50 people currently on the waiting list for an allotment, 27 were non-residents of Dunstable. It had previously been agreed that non-residents would be permitted onto the waiting list to avoid vacant plots but they would only be offered allotment plots when all resident requirements had been satisfied. Of the 23 residents on the waiting list, most of these wanted specific sites.

d) Bennett's Adventure Play Area (Minute 189/2018)

Councillors Hollick and Bird were both looking forward to receiving the designs for the new Adventure Play Area.

e) Minutes

RESOLVED: that, subject to the foregoing, the Minutes of the meeting of the Grounds and Environmental Services Committee held on 12 November 2018 be received.

210 FINANCE AND GENERAL PURPOSES COMMITTEE

a) Downside Community Centre – Disposal of a Community Asset (Minute 202/2018) (Minute 208/2015)

In answer to a question from Councillor Russell, the Town Clerk and Chief Executive confirmed that a revised offer had been sought but no formal response had yet been received.

b) Minutes

RESOLVED: that, subject to the foregoing, the Minutes of the meeting of Finance and General Purposes Committee held on 19 November 2018 be received.

211 DUNSTABLE JOINT COMMITTEE

RESOLVED: that the Minutes of the meeting of the Dunstable Joint Committee held 20 September 2018 be received.

212 MEMBERS ALLOWANCE SCHEME (Minute 160/2018)

Councillor Hollick presented the report of the Independent Remuneration Panel's consideration of establishing an allowance scheme for members of Dunstable Town Council, which had previously been discussed amongst members at their Group Meeting when it was felt that the recommendation was not a reflection of what this Council does and was considered to be derisory. The general consensus was not to adopt an allowance

scheme at this time but this would not preclude a new Council from reconsidering the matter.

RESOLVED: i) that the Council do not adopt a Members Allowance Scheme at this time

ii) that the Town Clerk and Chief Executive seek clarification from the Remuneration Panel on their recommendation.

213 DRAFT BUDGET 2019/2020 AND ASSOCIATED CONSIDERATIONS

The Town Clerk and Chief Executive presented a draft budget summary for 2019/2020, which had been prepared following the annual budget setting process undertaken with all service managers and the senior management team. It was noted that a budget briefing meeting had also been held with the Council's Chairmen and Vice-Chairmen on 21 November to go through the draft budget proposals in detail.

Members were mindful that the proposed budget was only draft at this stage as there were a number of issues still to be considered and decisions to be made by Committees. The draft budget identified increased revenue expenditure on the existing budget and identified revenue savings and additional income from improved income targets. The main increases to the revenue budget were set out in the report, with the largest impact on the year on year budget being the overall increase in staffing costs, due to the nationally agreed pay award.

The Town Clerk and Chief Executive reported that the Dunstable tax base had increased from 12,665 to 12,812 (an increase of 147) securing additional income through the council tax charge of £25,756 assuming the Band D council tax charge remained at £175.21. That being so, the draft budget summary presented indicated there would be a revenue budget deficit of £102,920 which would require an increase of £8.03 on the current Band D council tax charge in order to balance the budget.

Members gave consideration to potential further savings that could be included in the budget which would reduce the deficit to £53,060 requiring an increase of £4.14 on the current Band D council tax charge, 2.4%

RESOLVED: i) that the options for reducing the revenue budget deficit as set out in the report be agreed

ii) that the Council work towards a maximum of a 2.4% increase on the 2019/20 council tax charge.

214 RE-ORGANISATION OF COMMUNITY GOVERNANCE ORDER 2018 (Minute 25/2018)

Members noted the final outcome of the Governance Review which changed Dunstable Town Councillors numbers from 21 to 18. The Review did not accord with the Council's proposals for boundary changes, although minor changes to the parish boundary had been made to the north and south of Dunstable.

The outcome from the Review required the Council to adopt a change to the Constitution and Standing Orders, to be effective from the elections due to be held in May 2019.

RESOLVED: that the Council's Constitution and Standing Orders be amended to reflect Council membership of 18 with effect from the elections in May 2019, divided into five wards as follows:

Central Ward	3 Members
Icknield Ward	4 Members
Manshead Ward	3 Members
Northfields Ward	4 Members
Watling Ward	4 Members

DUNSTABLE TOWN COUNCILMONDAY 4 FEBRUARY 2019CIVIC EVENTS AND MAYORAL ACTIVITIES1. GENERAL INFORMATION

Purpose of Report: For information

- 1.1 Since the last meeting of the Council, the Town Mayor/Deputy Town Mayor have attended the following functions/events:

08.12.18	St Augustine's Church, Oakwood Avenue, Dunstable, Christmas Concert	The Dunstable Ladies Choir were delighted the Town Mayor was able to attend the Concert which was a programme of carols, Christmas songs and solo pieces which everyone enjoyed
08.12.18	All Saints Church, Leighton Buzzard, Christmas Carol Concert	The Mayor was happy to support the Mayor of Leighton-Linslade at this event which was in aid of his charities Autism Bedfordshire, Kids Out and Macmillan
09.12.18	St Mary's R C Church, West Street, Dunstable, Christmas Concert	Caritas Harmony were delighted the Town Mayor was able to attend this annual event. All profits from the concert were in aid of Macmillan
12.12.18	Kings Arms Church, Bedford, Christmas Service	Bedfordshire Police were really appreciative that the Town Mayor was able to attend this annual Service
14.12.18	Holiday Inn Express Dunstable, Foodbank donation	The Town Mayor had sponsored an Award at the Networking Dunstable Awards evening in November that helped raise money for the Foodbank. He was delighted to be involved in presenting the Foodbank with their donation
15.12.18	Incredible Edible, Katherine Drive, Party	The Town Mayor was delighted to support this event to which people bought along old Christmas decorations to create a beautiful place for people to hang a bauble in memory of lost loved ones
15.12.18	St Mary's Catholic Church, Dunstable, Vauxhall Male Voice Choir	This annual Concert was in aid of the East Anglian Air Ambulance. The event was very well attended.
16.12.18	St Peter's Church, Sharnbrook, Civic Carol Service	The Mayor and Speaker of Bedford Borough Council were delighted that the Town Mayor was able to attend this event
17.12.18	Keech Hospice Care, Christmas Carol Concert, Priory Church, Dunstable	The Town Mayor was delighted to support the Concert and gave a reading

20.12.18	Bedfordshire Fire and Rescue Service, Christingle Christmas Celebration, Woburn Parish Church	Woburn Parish Church was a wonderful setting for this Service with seasonal carols, readings and music provided by Stotfold Salvation Army Band
22.12.18	Sandy Christmas Carol Concert, St Swithun's Church, Sandy	During the service, which was well attended, a collection was taken towards the Mayor of Sandy's charities. The Mayor had no official duties other than to enjoy the Concert.

1.2 The Town Mayor attended the following functions during January:

12.01.19	Farewell Service, St Paul's Church, Bedford	The Town Mayor was delighted to represent Dunstable at the Service to mark the retirement of The Venerable Paul Hughes, Archdeacon of Bedford
13.01.19	Bedfordshire County Federation of Women's Institutes - Centenary Celebrations, Priory Church, Dunstable	The Town Mayor, Lord-Lieutenant of Bedfordshire and the High Sheriff of Bedfordshire attended this centenary celebration when the High Sheriff, Mr Julian Polhill, learnt that his family back in 1917/1918 made it possible for the WI institute to start in Dunstable with an interest free loan of £3,000 which was paid back over 3 years
22.01.19	Glorious, Little Theatre, Dunstable	A very successful charity event for the Town Mayor, which was well attended. Angela Goss played Florence Foster Jenkins in this hilarious production

The Town Mayor will report on other later attendances at the meeting.

2. AUTHOR

2.1 Michele Markus – Mayoral and Democratic Services Officer
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DUNSTABLE TOWN COUNCIL

MINUTES OF THE MEETING OF COMMUNITY SERVICES COMMITTEE

**HELD AT THE COUNCIL CHAMBER, GROVE HOUSE, HIGH STREET NORTH,
DUNSTABLE**

ON MONDAY 7 JANUARY 2019

Present: Councillors John Kane (Town Mayor), Nigel Warren (Deputy Town Mayor), Pat Staples (Chairman), Eugene Ghent (Vice Chairman), Lisa Bird, John Chatterley, Jeannette Freeman and Johnson Tamara

In Attendance: Councillors Peter Hollick and Liz Jones, David Ashlee (Town Clerk and Chief Executive), Becky Wisbey (Head of Community Services), Kelley Hallam (Office Administrator) and Sandy Coyle (Community and Young People's Services Manager)

Apologies for Absence: Councillors Terry Colbourne, Claire Meakins, Mike Mullany and Patricia Russell

Public: None

1 MINUTES

The minutes of the meeting of the Community Services Committee held on 29 October 2018 were approved as a correct record and signed by the Chairman.

2 SPECIFIC DECLARATIONS OF INTEREST

There were no specific declarations of interest.

The Chairman agreed to take items number 7 and 8 first as the relevant service manager was present.

3 OLDER PEOPLE'S DAY CARE SERVICE

The Community and Young People's Services Manager reported on attendances, activities and outings for the Good Companions Club and the Creasey Park Community Football Centre over 55s Lunch Club.

The GCC currently had one vacancy, but the CPCFC over 55s Club now had six people on the waiting list.

The GCC had been on another boat trip and both groups had been out for a Christmas meal.

The Older People's Support Services Officer had been on long term sick but both clubs were still successfully being run with the additional support of the Older People's Assistant, other members of the Community & Young Peoples Services team and volunteers.

4 GROVE CORNER AND COMMUNITY ENGAGEMENT

The Community and Young People's Services Manager reported on recent attendance figures and activities at Grove Corner and reported on recent community engagement activities.

The young people had expressed a wish for a table tennis table but there was not enough space so instead they painted the pool table cover into a small court.

Central Bedfordshire College's Pathways group would visit Grove Corner in January to meet staff and look around the centre. The aim was to establish relationships and encourage individuals to access Grove Corner in the evenings.

The position of Senior Community and Young People's Officer was currently vacant. While other members of the team would seek to cover operations at Grove Corner, it was likely in the coming weeks that a number of sessions may have to close. Members would be kept up to date on the situation.

5 BUDGET PROPOSALS 2019/2020

The Committee considered the comprehensive report of the Town Clerk and Chief Executive which provided detailed proposals for the Community Services budget for 2019/20 and proposed fees and charges.

Excluding staff costs, the overall Community Services budget had increased by £3,543. This would contribute to the 2.4% increase to the 2019/20 council tax charge.

Members discussed the request from Sorted to not charge them any rent at Grove Corner as they were struggling with their finances. All Members agreed they provided an important service to the Dunstable residents and that we should assist them but this would be reviewed on an annual basis and a SLA agreement would be drawn up.

RESOLVED: i) that the Committee recommend the draft Community Services budget as presented with no amendments or further recommendations, to the Finance and General Purposes Committee

ii) that the Committee recommend to Finance and General Purposes Committee that Sorted be offered free rent at Grove Corner.

6 EVENTS AND MARKETING

The Head of Community Services presented an update report on past events. She also updated members on the usage of the Council's website and social media.

The Christmas Carols and Torchlight Procession had been very successful with the lightshow finale receiving excellent feedback. The road closure had caused minimal disruption and the event would be similarly planned for 2019.

The website was working very well with regular online bookings being made for afternoon teas at Priory House.

The Committee received the full results from the 2018 events survey. 501 surveys had been submitted with 98% of people being satisfied or very satisfied.

7 PRIORY HOUSE

The Head of Community Services presented a report on recent operations and activities at Priory House, including trading account figures and Priory House maintenance.

Following the lack of success in recruiting the 12hour post in the Tea Room, it was agreed that casual staff would cover until April when a 16 hour post would be advertised.

Mistletoe Magic was not as well attended this year with takings down in both the tea rooms and gift shop. The Priory House Management team would be reviewing this event during the year.

Christmas Afternoon Teas and Christmas Pudding Nights had been very well attended with 152 afternoon teas being served and 202 people booked onto the pudding nights. With these additional takings and the good trading figures in the run up to Christmas it was anticipated that the figures for the third quarter would show another positive variance.

8 DUNSTABLE TOWN CENTRE SERVICES

The Head of Community Services updated the Committee on Town Centre Services including Ashton Square Toilets and the themed and craft market trader figures.

Central Bedfordshire Council had now received quotations for the works on the refurbishment of the Ashton Square toilets. Work would start as soon as they had been agreed. The Town Ranger service had now taken over the cleaning of the toilets and this appeared to be going well.

There were plans for officers to bid on an Awards for All grant to hold an event(s) on The Square now that it had been extended and barriers removed. It was hoped this would encourage more community use of this space. Councillor Ghent informed the Committee that parking enforcement was now in place on The Square.

The Town Centre Services Officer and Head of Service had met with CBC/Town Council members to look at town centre units where Section 215 notices could be issued and also where there were possible Council Tax issues. DTC officers would be provided with a link planning officer to progress this work with a view to improving the appearance of many of the units in the town centre.

9 REPORTS FROM OUTSIDE ORGANISATIONS

South Bedfordshire Dial-a-Ride:
No report.

Dunstable Town Band:
Band rehearsals had now begun for the New Year. The band members were excited as they had been asked to play for 3CR and were waiting for a date. With new members joining, the band was almost full.

DUNSTABLE TOWN COUNCIL

MINUTES OF THE MEETING OF THE GROUNDS AND ENVIRONMENTAL SERVICES COMMITTEE

HELD AT THE COUNCIL CHAMBER, GROVE HOUSE, HIGH STREET NORTH,
DUNSTABLE

ON MONDAY 14 JANUARY 2019

Present: Councillors John Kane (Town Mayor), Nigel Warren (Deputy Town Mayor), Lisa Bird (Vice-Chairman) (in the Chair), Sid Abbott, Philip Crawley, Peter Hollick, Gloria Martin, Gladys Sanders, Ann Sparrow and Johnson Tamara

In Attendance: David Ashlee (Town Clerk and Chief Executive), John Crawley (Head of Grounds and Environmental Services), Mary Dobbs (Cemetery Manager), Kelley Hallam (Office Administrator), James Slack (Sports and Leisure Facilities Manager) and Ian Swinnerton (Grounds Operations Manager)

Apologies for Absence: Councillors Liz Jones (Chairman) and Jeannette Freeman

Public: One

10 MINUTES

The Minutes of the meetings of Grounds and Environmental Services Committee held on 12 November 2018 were approved as a correct record and signed by the Vice-Chairman.

11 SPECIFIC DECLARATIONS OF INTEREST

Councillor	Interest	Agenda Item
Councillor Ann Sparrow	Non-Pecuniary interest – Member of Dunstable Croquet Club and Dunstable in Bloom	Items 5 & 7

12 PLANS-SUB COMMITTEE

RESOLVED: that the Minutes of the meetings of Plans Sub-Committee held on 6 November, 27 November and 18 December 2018 be received.

13 BUDGET PROPOSALS FOR 2019/20

The Committee considered the comprehensive report of the Town Clerk and Chief Executive which provided detailed proposals for the Grounds and Environmental Services budget for 2019/20 and proposed fees and charges.

The Committee received a summary of changes to savings, increased income targets and growth and it was noted that excluding staff costs the overall budget for Grounds and Environmental Services proposed an increase of £12,284.

Members noted that the Council were still waiting on the outcome of a tender submitted to Central Bedfordshire College for contract work.

Cllr Sparrow requested that the record show that she will oppose the increase to the charges for the croquet hire at the meeting of Finance and General Purposes Committee as the croquet lawn is not up to standard.

RESOLVED: that the Committee approve the draft Grounds and Environmental Services 2019/20 budget as presented, with no amendments or recommendations to the Finance and General Purposes Committee.

14 CREASEY PARK COMMUNITY FOOTBALL CENTRE AND SPLASH PARK

The Sports and Leisure Facilities Manager presented a detailed report on recent operations at the Centre including pitch and function hire and marketing and trading account figures.

Creasey Park had the largest attendance of the season with 236 spectators on Boxing Day when the two key partner clubs, AFC Dunstable and Dunstable Town FC, played each other.

The profiled income and expenditure report showed a deficit as at the end of November. Some of this was due to ATP block bookings being unexpectedly cancelled and an annual coffee machine rental payment paid in full rather than spread quarterly across the year.

The Toddler Group were still getting good numbers attending and had to turn people away at last week's meeting as they were at capacity.

The Committee received a set of graphs that showed the CO2 monthly usage, gas consumption and annual CO2 usage against annual income over the last 4 years. Councillor Abbott commended the Sports and Leisure Facilities Manager on reaching the energy usage targets.

Members were informed that the CBC vulnerable adult group had agreed to hire out the Splashside Café again this year, in the lead up to the Splash Park re-opening.

15 RECREATION GROUNDS, TOWN CENTRE GARDENS, CEMETERY AND ALLOTMENTS

The Grounds Operations Manager and Cemetery Manager presented a detailed information report covering all areas of the Council's grounds maintenance responsibilities.

a) Recreation Grounds

The Council had appointed Playground Supplies Ltd to design and install the new adventure play area at Bennett Memorial Recreation Ground. The works were scheduled to commence during week commencing 25 February.

Members of the panel who had chosen the playground supplier advised that, whilst they had hoped that the new play equipment could be wheelchair friendly, this type

of play area was not suitable for specific wheelchair friendly equipment. They therefore requested that the Committee agree, as a priority, to purchase specialist wheelchair equipment for one of the town's other play areas as soon as funds become available.

RESOLVED: that specialist play equipment for wheelchair users be purchased for one of the other play areas in the town when funds become available.

Members requested that an update on the security improvements works at various recreation sites throughout the town be given at the next meeting of this Committee.

Action: Grounds Operations Manager

b) Town Centre Area

The grounds team had replaced the oak sleepers along the Physic garden in Priory Gardens. A plastic membrane had been placed both under and on the inside of the sleepers to help keep the soil away from the wood and deter deterioration of the oak sleepers.

Dunstable in Bloom had organised a tree-planting event at Olma Road Recreation Ground during National Tree Week in November. Pupils from All Saints and Weatherfield Academies also attended to help plant the seven heritage fruit trees.

c) Town Ranger Service

The new Assistant Ranger started on 3 December and was settling in well. The Rangers were now fully responsible for the opening, closing and cleaning of Ashton Square toilets and were able to provide a full day service in the town centre every Saturday and also on Sunday mornings.

d) Dunstable Cemetery

Members received the burial figures for November 2018 to January 2019 along with the profiled income and expenditure figures as at the end of November 2018. There was a positive variance of £36,894.

Officers were preparing to submit an application to retain the Green Flag status for the cemetery.

The research on notable graves would soon be collated and sent to a designer to produce the interpretation panels.

e) Allotments

There were currently 47 people on the waiting list, which was comparable to figures reported to the Committee in November 2018. Members received the detail of the waiting list.

Annual rent invoices for 2019 had been sent out to all tenants. This process often resulted in tenants relinquishing their tenancies. Vacated plots would be re-let to those on the waiting list.

16 **REPORTS FROM OUTSIDE ORGANISATIONS**

CBC Development Management Committee:
No report received.

DUNSTABLE TOWN COUNCIL

MINUTES OF THE MEETING OF FINANCE AND GENERAL PURPOSES COMMITTEE

**HELD AT THE COUNCIL CHAMBER, GROVE HOUSE, HIGH STREET NORTH,
DUNSTABLE**

ON MONDAY 21 JANUARY 2019

Present: Councillors John Kane (Town Mayor), Nigel Warren (Deputy Town Mayor), Peter Hollick (Chairman); John Chatterley (Vice-Chairman), Sid Abbott, Terry Colbourne, Philip Crawley, Eugene Ghent, Gloria Martin, Mike Mullany, Gladys Sanders, Ann Sparrow and Pat Staples

In Attendance: Councillor Johnson Tamara, David Ashlee (Town Clerk and Chief Executive), and Rosemary O'Sullivan (Head of Finance and Support Services)

Apologies for Absence: Councillors Liz Jones, Claire Meakins and Patricia Russell

Public Attendance: None

17 MINUTES

The minutes of the meeting of Finance and General Purposes Committee held on 19 November 2018 were approved as a correct record and signed by the Chairman.

18 SPECIFIC DECLARATIONS OF INTEREST

There were no specific declarations of interest.

19 BUDGET PROPOSALS AND TOWN COUNCIL PRECEPT 2019/20

The Town Clerk and Chief Executive presented a comprehensive report detailing budget proposals for 2019/20.

Members recalled that at the meeting of the Council in December 2018, consideration had been given to budget proposals which accounted for increased revenue expenditure and identified revenue savings and additional income, including income from an increase in the tax base of 147, which was considerably lower than last year's increase. The overall total had resulted in an anticipated deficit which would require an increase to the Band D council tax. Members had resolved that the 2019/20 revenue budget should be set at no more than a 2.3% increase to the council tax charge.

The Chairman reminded Members that the proposed fees and charges had also been considered by each of the Committees as part of the budget setting process. Councillor Sparrow raised her concerns regarding the quality of the croquet lawn in Priory Gardens and the proposed increase to the hire charges. The Chairman advised of the planned programme of maintenance to be undertaken during the closed season, which would be confirmed with other Croquet Club members at the annual pre-season meeting organised with the Head of Grounds and Environmental Services.

The Committee noted that the Community Services Committee had agreed that Sorted be offered free rent of Grove Corner to be reviewed on an annual basis under a Service Level Agreement.

Grounds and Environmental Services Committees had approved the draft budget with no amendments or recommendations.

The overall budget for Finance and Support Services, excluding staff costs, proposed an increase of £4,629 mainly attributable to loss of income from Grove House tenancies, offset by savings within Central Services and Democratic Management budgets.

The draft budget accounted for an annual pay award for all staff and additional employer's contribution to the pension scheme.

The report further detailed the Council's total debt and associated repayments, Council assets and income liabilities on the revenue budget which in terms of budget risk was the highest risk area. Members considered the annual loan repayments and whether there would be merit in settling some of the smaller loans to reduce expenditure in future years. It was therefore

RESOLVED: that full details of the Council's outstanding loans, including any premium for early settlement, be reported to the next meeting of this Committee for further consideration.

Action: Head of Finance and Support Services

The Town Clerk and Chief Executive provided a schedule of all current external contracts and associated contract values. The value of such contractual work was £366,818 per annum offset against the costs of delivering services, as detailed in the draft budget.

RECOMMENDED: i) that the proposed budget for 2019/20 be presented to Council for approval (as enclosed)

ii) that the Town Clerk and Chief Executive be authorised to incur the various items of expenditure detailed in the budget, subject to compliance with the requirements of the Council's Standing Orders and Financial Regulations

iii) that the revised scale of charges, set out in the report, be approved with effect from 1st April 2019 or the start of the 2019/20 winter playing season, as appropriate

iv) that, in consequence of the foregoing recommendations, the Town Council issue a precept upon Central Bedfordshire Council in the sum of £2,297,506 resulting in a Dunstable Town Council Tax (Band D) at the rate of £179.32 per annum.

Action: Town Clerk and Chief Executive

20 ACCOUNTS SUB-COMMITTEE

The Committee received the Minutes of the meetings of the Accounts Sub-Committee held 21 November and 19 December 2018.

21 FINANCIAL MONITORING REPORT

The Head of Finance and Support Services presented a revenue budgetary control report for the period from 1 April to 31 December 2018. The summary of net expenditure showed a potential for an overall net revenue saving at the end of the financial year. Any such saving would be allocated to the General Reserve. Members noted the movement in the General Reserve accounting for the in-year savings and previously agreed expenditure on specific projects to be met from it.

Members also noted the current balance of the Council's allocated reserves as at 31 December 2018 and the estimated end of year balances having taken account of agreed/known commitments to date.

The Chairman took the opportunity to note that the 2018/19 budget was the last that the present Head of Finance and Support Services would be reporting on. On behalf of the Committee he thanked Rosemary for her management of the budget over the years.

22 COMMUNITY RIGHT TO BID

Central Bedfordshire Council had received an application from a local community group to list the now closed Bird in Hand public house on High Street North as a Community Asset under a Community Right to Bid application and were consulting the Town Council accordingly.

After full consideration of the nomination by the Dunstable North Community Group, it was

RESOLVED: that Central Bedfordshire Council be advised of this Council's support for the nomination.

23 REPRESENTATIVES ON OUTSIDE ORGANISATIONS

In receiving reports from representatives on outside organisations, it was noted that representation should be corrected to show:

- a) CAB Management Committee – no update to report
- b) DITA – Councillor Hollick had attended the last meeting of DITA when it had been agreed that they would be producing a small leaflet to celebrate 50 years of the twinning association and he would also be writing something for the Talk of the Town. Twinning activities would only be successful if clubs, societies and organisations within the town took part in exchange visits. Queensbury School had arranged visits to Porz-am-Rhein but there had been no return visits.
- c) Hospice at Home Management Committee – Councillor Jones submitted a report advising that the organisation had been the recipient of the retiring collection from the pantomime at Grove Theatre and had also received donations from a local slimming club group following a range of activities during 2018, for which they were very grateful. This would help to provide training for new volunteers as well as refresher training for others. Volunteers had continued to visit patients in their homes through the Christmas period when, for some, this was the only contact they had with people for a number of days.

The Trustees continued to look for ways to bridge the gap in lost funding and Councillor Jones was organising the following fundraising events:

9 February at 12.30 pm – Soup n Sweet
27 March at 7.00 pm – meal at Coconut Garden.

- d) Ashton Schools Foundation – the minutes from the meeting held on 21 November 2018 were awaited. Councillor Martin advised that a new trustee had been appointed and following the resignation of the Right Revd Richard Andrews, Cynthia Gresham was acting as interim chairman.
- e) Ashton Almshouses – The next meeting would be held on Wednesday 23 January 2019
- f) Chews Foundation – Councillor Chatterley reported on the meeting held in December when the educational grant scheme was discussed. A leaflet was to be sent to schools to promote the scheme.
- g) Poors Land Charity – the next meeting would be held at the end of the following week when distribution of the Maundy money would be discussed.

DUNSTABLE TOWN COUNCIL

MEETING OF FULL COUNCIL

4 FEBRUARY 2019

GENERAL POWER OF COMPETENCE

Purpose of Report:	The purpose of this report is for the Council to agree to adopt the General Power of Competence using the procedure set out in the report below.
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1. ACTION RECOMMENDED

1.1 That, having evidenced that it meets the required eligibility criteria as set out below, the Council resolves to adopt the General Power of Competence.

2. INTRODUCTION

2.1 The General Power of Competence is a statutory power that enables eligible council's '*to do anything that individuals generally may do*'¹ as long as they don't break other laws. It is found in The Localism Act, Chapter 1 of Part 1, Sections 1-8².

2.2 The Power is automatically available to principal authorities but town and parish councils have to evidence that they fulfil the following eligibility criteria before the Power can be adopted:

- Council needs to resolve at a council meeting that it meets the eligibility criteria (given below).
- At the time the resolution is made, at least two thirds of the members of the council must have been elected as opposed to being co-opted or appointed.
- At the time the resolution is made the Council must employ a qualified clerk³ (see Appendix 1).
- Eligibility must then be confirmed at every subsequent 'relevant annual meeting'.⁴

2.3 By adopting the Power the Council is able to extend (if it so wishes) how it allocates its resources and what services it chooses to deliver. At present the Council does not need the Power to justify any of its expenditure, however as the Council continues to trade for income generation then continuing to have the Power at this time should give the Council more assurance that it is not acting beyond its permitted remit.

2.4 The Council first adopted the General Power of Competence in 2015.

¹ The Localism Act 2011 Part 1 S1-8

² It was brought into force by SI 961, The Localism Act 2011 (Consequential Amendments) Order 2012 on 28 March 2012.

³ A qualified clerk is someone who holds either CiLCA, Certificate in Higher Education in Local Policy, the Certificate of Higher Education in Local Council Administration or the first level of the foundation degree in Community Engagement and Governance

⁴ A relevant annual meeting is the annual meeting that takes place in a year of ordinary elections (typically every four years)

3. ELIGIBILITY CRITERIA AND FURTHER DETAILS

- 3.1 With regards to evidencing the eligibility criteria, if approved, the minute of the Council meeting report would satisfy the first bullet point above. The Council has 95% elected representatives which satisfies the second bullet point and employs a fully qualified Town Clerk and Chief Executive that satisfies the third bullet point. If the recommendation of this report is agreed then the Council would have to again resolve that it meets the required eligibility to retain the Power at the next Annual General Meeting later this year and then every four years at the same meeting thereafter.
- 3.2 If the council loses its qualified clerk or has insufficient elected councillors, then it must record its ineligibility at the next 'relevant' annual meeting of the council (that is the one, after the next ordinary election). If it has already started an activity under the Power for which there is no other specific power, it remains eligible for the purpose of completing *that* activity, but it can't start anything new under the Power until it is in a position to make the formal decision that it meets the criteria.
- 3.3 Attached at appendix 2 of this report is a fact sheet that goes into more detail regarding the detail and use of the Power.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no immediate financial implications resulting from the adoption of the Power but later use of the Power may well have financial implications for the Council that will be reported accordingly.

5. POLICY AND CORPORATE PLAN IMPLICATIONS

- 5.1 Retaining the General Power of Competence accords with the Council's Corporate Plan priority to *'continue to improve the organisational management and efficiency of the Town Council'*.

6. HEALTH AND SAFETY IMPLICATIONS AND HUMAN RESOURCE IMPLICATIONS

- 6.1 None arising directly from this report.

7. LEGAL IMPLICATIONS

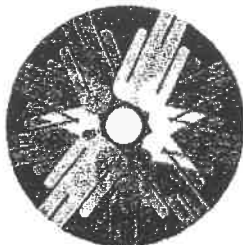
- 7.1 These are inherent within the report

8. APPENDICES

- 8.1 Appendix 1 - Evidence that Town Clerk and Chief Executive is qualified
Appendix 2 - Detail of the General Power of Competence

9. AUTHOR

- 9.1 David Ashlee – Town Clerk and Chief Executive
E-mail: david.ashlee@dunstable.gov.uk



The National Training Strategy
for Town & Parish Councils

● CiLCA

Certificate in Local Council Administration

Section 7, General Power of Competence, CiLCA 2013

This is to certify that:

David Ashlee

a holder of either the AQA CiLCA, CiLCA, University of Gloucestershire Certificate in Local Policy or Local Council Administration, has been awarded a pass in Section 7, General Power of Competence, CiLCA 2013.

Having been awarded one of the aforementioned qualifications, this certificate now fulfils the eligibility criteria for a qualified clerk as prescribed in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.

Date: 11th April 2014

Kathryn Richmond
CHIEF VERIFIER

CERTIFICATE IN LOCAL COUNCIL ADMINISTRATION

The General Power of Competence An introduction to key facts for local councils¹

Local councils in England were given a 'general power of competence' (GPC) in the Localism Act 2011, sections 1 to 8. This paper explains the freedom granted by the general power, the criteria to be met before a local council can use it and some restrictions on using the power. It notes the CiLCA questions and pass criteria (see also the Portfolio Guide 2012) and some useful weblinks. The power does not apply to parish meetings or to local authorities in Wales.

The freedom of the GPC

Councils no longer need to ask whether they have a specific power to act. The GPC (LA 2011 s1(1)) gives local authorities, including eligible local councils, "*the power to do anything that individuals generally may do*" as long as they don't break other laws. It is a 'power of first resort'; this means that when searching for a power to act, the first question you ask is whether you can use the GPC. To find the answer, you ask whether an individual is normally permitted to act in the same way. For example:

- An individual can't impose taxes on other people – so a local council can't use the GPC to raise taxes.

On the other hand, an individual

- could run a community shop or post office (provided they abide by relevant rules) – so a local council can do likewise;
- can set up a company to provide a service. The GPC clearly permits a local council to engage in commercial activity as long as it sets up a company or co-operative society (s4) for this purpose.

Sometimes a council can do things that an individual can't do – such as creating byelaws, raising a precept or issuing fixed penalty notices - but it must do so using the specific original legislation. The GPC does not mean that the council can delegate decisions to individual councillors – this is a procedural matter that remains enshrined in law.

The Government hopes that the GPC gives local councils confidence in their legal capacity to act for their communities. It encourages councils to use this power to work with others in providing cost-effective services and facilities in innovative ways to meet the needs of local people. The council can lend or invest money; it can trade; it can even sell energy to the National Grid. If another authority has a statutory duty, then it remains their duty to provide that service (eg education, waste collection, social services) but local councils can still help out. For example, a local council can support a school in many ways, just as an individual might. It could even help a community trust to run a local school.

The council can undertake activities using the GPC anywhere – not just in the parish (s1(4a)). It isn't necessary to worry whether the activity is for the benefit of the council, the area or the community (s1(4c)) although, in practice, parishioners might object if they can't see the benefit! And unlike the Local Government Act 1972, s137, it doesn't matter whether there are any other specific powers permitting the council to take action (s1(5)). So, for example, a council can use the GPC to build a sports facility even though there is another

¹ Parish, town and neighbourhood councils in England

power enabling it to do the same thing (Local Government (Miscellaneous Provisions) Act 1976 s19).

As always, the council is expected to act in accordance with the general principle of 'reasonableness' established by the Wednesbury court case in 1948. The judgement made it clear that a council can exercise reasonable discretion when interpreting legislation provided that it justifies its decision in terms of relevant, rather than irrelevant, matters.

Criteria for eligibility

The freedom of the GPC is available to local councils that meet two criteria for eligibility (LA 2011 s8) set out in a statutory instrument known as the *Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012* that came into force in April 2012.

A local council must decide, at a full meeting of the council, that it meets the criteria for eligibility at that particular point in time. A resolution to this effect must be written clearly in the minutes of that meeting. The council is then required to revisit that decision and make a new resolution at every 'relevant'² annual meeting of the council to confirm that it still meets the criteria (if it does). This means that eligibility remains in place until the first annual meeting of the council after the ordinary election even if the condition of the eligibility criteria has changed. The two criteria are:

Elected councillors

At the precise moment that the council resolves that it meets the criteria, the number of councillors elected at the last ordinary election, or at a subsequent by-election, must equal or exceed two thirds of its total number of councillors.

Elected councillors include all councillors who stood for election whether or not the election was contested. Co-opted or appointed councillors do not count as they are not elected.

The total number of councillors means the number of seats on the council including those that might be vacant.

If two thirds is not a whole number, then it must be rounded up to the next whole number. For example, if the number of councillors in total is 8 and two thirds is approximately 5.3, then the number of councillors that must be elected is 6.

Total council seats	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Two thirds	4	4	5	6	6	7	8	8	9	10	11	11	12	12	13	14

The qualified clerk

The clerk must hold at least one of the sector-specific qualifications and should have completed the relevant training designed as part of the National Training Strategy for local councils. From April 2012, this training is undertaken as part of a clerk's preparation for one of the recognised sector-specific qualifications. Where a clerk studied for one of these qualifications before April 2012, they undertake the relevant training and must pass the short

² A 'relevant' annual meeting is the annual meeting of the council after the ordinary election that normally takes place every four years. The confirmation does not have to take place every year.

section 7 of CiLCA 2012 in order to be fully qualified for the purposes of the GPC (see below)³.

The recognised sector-specific qualifications are:

The Certificate in Local Council Administration (CiLCA) awarded by the Monitoring and Verification Board (or previously by the AQA)

The higher education qualifications for clerks awarded by the University of Gloucestershire or its predecessor institutions, namely:

The Certificate of Higher Education in Local Council Administration

The Certificate of Higher Education in Local Policy

The first level of the Foundation Degree in Community Engagement and Governance (the Level Four course)

Any equivalent successor qualification

It is important that the council pays attention to the advice of its trained and qualified clerk when taking decisions to ensure that it acts lawfully.

Since the GPC can be used for most of the activities of the council rather than for unusual one-off projects, the council cannot employ a clerk on a short-term contract specifically for using the power. If the council loses its qualified clerk or has insufficient elected councillors, then it must record its ineligibility at the next 'relevant' annual meeting of the council (that is the one, after the next ordinary election). If it has already started an activity under the GPC for which there is no other specific power, it remains eligible for the purpose of completing *that* activity, but it can't start anything new under the power until it is in a position to make the formal decision that it meets the criteria. The council must go back to identifying whether it has a specific power to act and use the restricted s137 if there is no appropriate specific power. When entering into a contract under the GPC, a council should be cautious if the contract lasts beyond the next annual meeting when the council might no longer be eligible to use the GPC. There is a risk of legal action if the council ends the contract unexpectedly. It is wise to seek legal advice when setting up the contract.

Risks and restrictions limiting the GPC

There are some risks associated with using the GPC. Inadequate community support or insufficient funding are significant risks while there are several statutory or legal restrictions that a local council should consider before using the power. Clerks and councillors should be aware of the following restrictions that potentially could limit the use of the GPC.

- If a council is already subject to a statutory duty, then that duty remains in place. So, for example, a local council that is eligible to use the GPC must continue to abide by its duties. For example:
 - The council has a duty to act with regard to the likely effect on crime and disorder and to do all it can to prevent crime and disorder in its area (Crime and Disorder Act 2006 s17).

³ A clerk who studied the University of Gloucestershire module covering law for local councils before the academic year 2012/13 (but who doesn't have CiLCA 2012) must also pass Section 7 of CiLCA 2012.

- The Natural Environment and Communities Act 2006 s40 imposes a duty on local councils to consider conserving biodiversity in exercising its functions.
- The Smallholding and Allotments Act 1908 s23(1) gives councils a duty to provide allotments if they are of the opinion that there is a demand for them.
- There are also many procedural and financial duties that remain in place for regulating the governance of a local council.
- Furthermore, the council must comply with employment law, Health and Safety legislation, equality legislation and duties related to data protection and freedom of information for example.
- The council must set up a company or co-operative society if it wishes to trade. If the council sets up a company or co-operative society it must abide by company law. Councils are advised to refer to more detailed Government guidance on trading and on charging (see links below). The council can charge for services provided under the GPC⁴.
- If the council wants to invest in a local business to support the local economy, it should follow Government advice on investment (see links below). If it wishes to support a community enterprise, an economic development grant might be a sensible option.
- Remember, if another authority has a statutory duty, then it remains their duty to provide that service (eg education). If you are worried that you might be encroaching on another authority's duty, then ask whether an individual, a private company or a community trust might be able to step in and help. If they can, then so can the local council (although it might need to set up an appropriate delivery body first).
- If the action the council wishes to take is also covered by a specific power then any restrictions that apply to the overlapping power are still in force. So if existing legislation requires the council to ask permission before acting, then it must do so. For example, the council asks permission from the Highways Authority before doing work on roadside verges.

The GPC is a power and not a source of money. It cannot be used to raise the precept and if loans are needed then normal procedures apply. The council can seek other sources of finance such as the Community Infrastructure Levy, grant funding, sponsorship, commercial activity and agreements with other authorities. As always, the council should ensure support from local taxpayers.

So councils cannot use the GPC primarily to raise money but they can receive income as a consequence of using the power for a different primary purpose. For example, a council could give financial assistance to a struggling local enterprise by purchasing share capital just as any individual could. Similarly the council could lend money to support a local activity and earn interest on the loan and it can raise sponsorship for a community project.

Although councils are encouraged to be innovative, they should be aware of the risks involved in using the power in addition to a lack of money or community support. For example:

- There is a risk of being challenged

⁴ If councils have a statutory **duty** to provide a service **free of charge**, they cannot charge for that service. This provision applies to principal authorities but does not affect local councils as they are not required by law to provide **any** services free of charge

- Trading activities could damage competing local activities
- The council risks its reputation and public money if a project goes wrong

S137 and the power of well-being (PWB)

How do these two powers relate to the GPC?

- The money that can be spent under the Local Government Act 1972 s137 is limited while the power is restricted by regulations for use and scope; for example, councils must keep specific accounts for s137, they cannot use the power to give money to individuals and spending must be commensurate with the benefit gained. In addition a council can't use s137 if another specific power exists. A council that is eligible to use the GPC can no longer use s137 as a power for taking action for the benefit of the area or its community (Sch 1(1))⁵.
- The PWB (Local Government Act 2000 s2) offered councils more opportunity to improve and promote the economic, social and environmental well-being of an area and its community with no restrictions on spending. However, in England it has now been replaced by the general power of competence which offers even more freedom to act. Transitional arrangements allow councils to complete projects started under the PWB.

Further changes affecting the GPC

The Secretary of State for Communities and Local Government has the power to change the enacted legislation (s5) so it is important to keep up to date with legal advice. Changes will not be made without consultation and should therefore come as no surprise. The Government is keen to know whether there are any additional restrictions affecting the use of the GPC so that it can consider removing them. Contact the Society of Local Council Clerks or the National Association of Local Councils (via your County Association) if you wish to draw attention to any legislative constraints affecting the use of the power.

The CiLCA Questions

Clerks are required to respond to these tasks correctly in order to pass CiLCA. They write a paragraph of approximately 200 words.

- What is the general power of competence and where is it found?
- What criteria must local councils meet to be eligible to use the general power of competence and when must a council confirm that it is eligible?
- List four restrictions to consider before using the power for a specific purpose.
- List three activities that your council might undertake using the general power of competence giving any restrictions that might apply to these activities

Pass criteria

- A clear understanding of the general power of competence
- A clear explanation of the eligibility criteria and arrangements for confirming eligibility
- A list of four possible restrictions to consider before using the power
- A list of three activities with appropriate restrictions

⁵ Note that s137(3) which permits the council to contribute to UK charities, public sector funds and public appeals remains in place.

Useful web links

The Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012
<http://www.legislation.gov.uk/ukdsi/2012/9780111519868>

The Localism Act 2011: Explanatory notes
<http://www.legislation.gov.uk/ukpga/2011/20/notes/division/5/1/1>

Charging guidance

<http://www.communities.gov.uk/documents/localgovernment/pdf/151291.pdf>

Trading guidance

This guidance is in two documents. The second document is an addendum.

<http://www.communities.gov.uk/documents/localgovernment/pdf/133628.pdf>

<http://www.communities.gov.uk/documents/localgovernment/pdf/323153.pdf>

Investment guidance

<http://www.communities.gov.uk/documents/localgovernment/pdf/1501971.pdf>