

Council Offices, Commercial Road, Weymouth, Dorset, DT4 8NG

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Councillors are hereby summoned to attend the following meeting.

Please inform the Clerk if you are unable to attend.

**NOTICE OF MEETING**

**MEETING:** Annual Meeting of Weymouth Parish Council

**DATE & TIME**: Tuesday 14 May 2019 at 7.00pm

**PLACE:** Council Offices, Commercial Road, Weymouth, DT4 8NG

This is a meeting in public, not a public meeting. If you would like to attend and have any special requirements eg access or a copy of the agenda in another format, eg large print, please contact us.

Agenda and papers are available at [www.weymouthtowncouncil.gov.uk](http://www.weymouthtowncouncil.gov.uk)

J L Biscombe, CiLCA

Town Clerk 08 May 2019 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Agenda

1. Election of Chairman
2. Election of Deputy Chairman
3. Apologies for Absence
4. Declarations of Acceptance of Office
5. Standing Orders, Financial Regulations and Code of Conduct
6. Declarations of Interest
7. Name of Council
8. Appointment of Town Clerk and Deputy Town Clerk
9. Committee Membership
10. Budget
11. Cheque signatories
12. Local Government Pension Scheme
13. Members Allowances
14. Reports from the Town Clerk
15. Key Policies
16. Meeting dates.
17. Membership of outside bodies
18. General Power of Competency
19. **Election of Chairman**

To appoint a Chairman for the period up to the Annual meeting of the Council in May 2020. The duly elected Chairman will take and sign their declaration of office.

1. **Election of Deputy Chairman**

To appoint a Deputy Chairman for the period up to the Annual Meeting of the Council in May 2020. The duly elected Deputy Chairman will take and sign their declaration of office.

1. **Apologies for Absence**

To approve apologies for absence.

1. **Declarations of Acceptance of Office**

To confirm that Councillor declarations of acceptance of office have been made and to receive any outstanding declarations.

Any Councillor not having duly signed the declaration will not hold the office of Councillor.

1. **To adopt Standing Orders, Financial Regulations and a Members Code of Conduct**

The three key policies are enclosed within this agenda

Recommendations:

That the Council resolve to:

1. Adopt Standing Orders (including the scheme of delegation),
2. Adopt Financial Regulations
3. Adopt the Members’ Code of Conduct
4. **Declarations of Interest**

To receive members declarations of interest in matters on the agenda

1. **Name and style of Council**

The current legal name of the Council is “Weymouth Parish Council”, and the style is that of a Parish Council. For the Council to become a Town Council, the Council must agree a resolution to that effect as required by the Local Government Act 1972, s 245(6)-(9).

The status of Town Council does not confer with it any additional benefits or disbenefits over the status of Parish Council, except that the Chairman of a Town Council is entitled to use the title of “Town Mayor”

Recommendations:

That the Council resolve to:

1. Adopt the style of a Town Council
2. Adopt the title of Weymouth Town Council
3. Designate the Chairman as Town Mayor and the Deputy Chairman as Deputy Town Mayor.
4. **Appointment of Town Clerk**

To confirm the appointment of Jane Biscombe as the Town Clerk and to designate Jane Biscombe as the Proper Officer and Responsible Finance Officer to the Council.

To confirm the appointment of Matt Ryan as the Council’s Deputy Town Clerk, to act in place of the Town Clerk and Proper Officer when appropriate.

Recommendations:

That Members confirm the appointment of:

1. Jane Biscombe at Town Clerk, proper Officer and Responsible Financial Officer
2. Matt Ryan as Deputy Town Clerk
3. **Appointment of Committees**

To appoint Members to committees and appoint Chairs and Vice-Chairs, or otherwise to detail arrangements to do so at a future meeting. Committees should be nominated in the following order:

* HR (8)
* Planning and licensing (12)
* Services (12)
* Finance and Governance (12) to include the Chairs of the three Committees above.
* Appeals (6) not Members of HR

**Political Proportionality at Committee meetings.**

In order to affect the equitable and timely allocation of seats on the Town Council’s Committees it is proposed to adopt a scheme of political proportionality as defined in the table below.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | No of Cllrs | Finance and governance | Services | HR | Planning and Licensing | Appeals | Totals |
| Number of Committee places |  | 12 | 12 | 8 | 12 | 6 | 50 |
| Lib Dem | 12 | 6 | 5 | 3 | 5 | 2 | 21 |
| Labour | 8 | 3 | 3 | 3 | 3 | 2 | 14 |
| Con | 4 | 1 | 2 | 1 | 2 | 1 | 7 |
| Green | 2 | 1 | 1 | 0 | 1 | 0 | 3 |
| Ind | 3 | 1 | 1 | 1 | 1 | 1 | 5 |
| Total | 29 | 12 | 12 | 8 | 12 | 6 |  |

The reasoning behind these allocations is as detailed in the tables below.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | No of Cllrs | Multiplier | Finance and governance (12) | | Services (12) | | HR  (8) | | | Planning and Licensing (12) | | | Appeals (6) | | | Totals |
| Number of Committee seats |  |  | Raw | Adjusted | Raw | Adj | | Raw | Adj | | Raw | Adj | | Raw | Adj | 50 |
| Lib Dem | 12 | 0.41379 | 5 | **6** | 5 | 5 | | 3 | 3 | | 5 | 5 | | 2 | 2 | 21 |
| Labour | 8 | 0.27586 | 3 | 3 | 3 | 3 | | 2 | **3** | | 3 | 3 | | 2 | 2 | 14 |
| Con | 4 | 0.13793 | 2 | **1** | 2 | 2 | | 1 | 1 | | 2 | 2 | | 1 | 1 | 7 |
| Green | 2 | 0.06897 | 1 | 1 | 1 | 1 | | 1 | **0** | | 1 | 1 | | 0 | 0 | 3 |
| Ind | 3 | 0.10344 | 1 | 1 | 1 | 1 | | 1 | 1 | | 1 | 1 | | 1 | 1 | 5 |
| Total | 29 |  | 12 | 12 | 12 | 12 | | 8 | 8 | | 12 | 12 | | 6 | 6 |  |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | Proportion of the 50 committee seats | | Each party has got using the figures above |  |  |  |  |
|  |  | Raw data | Adjusted |  |  |  |  |  |
| LD | 12 | 20.689 | 21 | 20 | Need to gain a seat | | |  |
| Lab | 8 | 13.793 | 14 | 13 | Need to gain a seat | | |  |
| Con | 4 | 6.8965 | 7 | 8 | Need to lose a seat | | |  |
| Green | 2 | 3.4482 | 3 | 4 | Need to lose a seat | | |  |
| Ind | 3 | 5.1724 | 5 | 5 | No adjustment required | | | | |
|  | 29 | 50 | 50 | 50 |  |  |  |  |

Recommendations:

That the Council:

a) agrees to appoint Members as per the above political proportionality grid

b) nominates Members to the Committees agreed in Item 5.

1. **Budget**

To approve the budget for the Council for the Financial year 2019/2020, as approved by the Shadow Town Council in January 2019. The budget is attached to this agenda as a separate document.

Recommendation:

That Members approve the Budget for 19/20 as attached to this agenda.

1. **Cheque Signatories/ Payment Authorisers**

To appoint a minimum of six Members with authority to authorise payments and sign cheques. It is recommended that the Chair and Vice-Chair of the Council are appointed (Mayor and Deputy Mayor), as are the Chair and Vice-Chair of the Finance and Governance Committee.

Recommendation:

That Members nominate six Members who will become cheque signatories and can authorise payments.

1. **Local Government Pension Scheme**

To agree to apply for admitted body status in the Local Government Pension Scheme for employees of the Council. This provider was used by Dorset Council’s Partnership and as such are the existing provider for TUPE’d staff. Town Council’s are at liberty to use whichever pension provider they see fit. However, the LGPS is the most common provider in the Local Government sector.

Recommendation:

That Members agree to apply for admitted body status in the Local Government Pension Scheme for employees of the Council.

1. **Members Allowances**

To agree a scheme of Mayors and Members allowances in accordance with part 5 of the Local Authorities (Members Allowances) (England) Regulations 2003 having due regard to recommendations made by the Remuneration Panel of Dorset Council. The RP has recommended a sum of £1,000 per Councillor per year. This would be paid monthly via the Council’s payroll provider and is subject to HMRC deductions.

The amount in the budget for the Mayor and Deputy Mayor’s allowance is unclear and Members are asked to provide some clarity. The budget as despatched with this agenda shows a “Mayor’s Budget” of £4,270 and a “Deputy Mayor’s Allowance” of £1,462. However, no specific Mayor’s Allowance is shown. Members are asked to agree that the budget line “Mayor’s Budget” be split into “Mayor’s Budget” of £3,732, “Mayor’s Allowance” of £1,000, and a “Deputy Mayor’s Allowance” of £1,000. Members, however, may wish to determine alternative budgets within the available expenditure.

Recommendation:

That Members agree:

1. That the Members Allowance shall be £1,000 per annum
2. That the Mayor’s Allowance shall be £1,000
3. Agree that the Deputy Mayor’s Allowance shall be £1,000
4. **Reports from the Town Clerk**

To receive the following reports from the Town Clerk

1. Functions
2. Staff Structure
3. Accommodation
4. SLAs
5. Assets

The report for this item is attached to this agenda.

1. **Other Policies**

Members will be receiving many policies over the coming months in order to ensure the Council’s functions in a transparent and robust way. The usual pathway for Policy adoption is that the policy will be agreed for recommendation to Full Council by:

* The Finance and Governance Committee for Council wide policies
* The Services Committee for service specific policies.
* The HR Committee for HR related policies

All policies will be reviewed annually, or as required.

Members are asked to agree the following policies with immediate effect. These policies are attached to this agenda. This is outside of the usual pathway as the Council will benefit from having these policies in place immediately.

Recommendation:

That Members agree to adopt the:

1. Disciplinary and Grievance Policy
2. Member/Officer Relations
3. **Meeting dates.**

Meetings start at 7pm and are held in the Council Chamber at the Weymouth Town Council Offices, Commercial Road, Weymouth, DT4 8NG.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Month | Town Council | Finance & Governance | Services | HR | Planning & Licensing |
| May | 14 |  | 28 |  | 21 |
| June | 26 | 12 |  | 19 | 04, 18 |
| July |  | 24 | 10 |  | 02, 16, 30 |
| August |  |  |  |  | 13 |
| September | 04 | 25 | 18 | 11 | 03, 17 |
| October | 16 |  | 23 |  | 01, 15, 29 |
| November | 20 | 06 |  | 27 | 12, 26 |
| December |  | 18 | 04 |  | 10 |
|  |  |  |  |  |  |
| January 2020 | 08 |  | 22 |  | 02, 14, 28 |
| February | 19 | 05 |  |  | 11, 25 |
| March |  | 18 | 04 | 11 | 10, 24 |
| April | 01 | 29 | 15 |  | 07, 21 |
| May | 13 |  | 27 |  | 05, 19 |
| June | 24 | 10 |  | 17 | 02, 16, 30 |
| July |  | 22 | 08 |  | 14, 28 |
| August |  |  |  |  | 11 |
| September | 02 | 30 | 16 | 23 | 08, 22 |
| October | 14 |  | 28 |  | 06, 20 |
| November | 25 | 11 |  | 18 | 03, 17 |
| December |  | 16 | 02 |  | 01,15 |

The Annual Town Assembly will take place on:

Wednesday 22 May 2019

Thursday 25 March 2020

Members are asked to agree the above list of meeting dates for 19/20 and 20/21, including the dates for the Annual Town Assembly which must be held before 01 June each year (Local Government Act S 14 (1) (2).

There can be, and often is, confusion between the Annual Town Assembly and the Annual Meeting of the Town Council. All Parish and Town Councils throughout England are required by law to hold an Annual Town Assembly, which must take place between 1st March and the 1st June (inclusive). The purpose of the Assembly is so that the Town Council can present what it has been doing over the last year and to enable electors to have their say on anything they consider is important to the people of the Town. The Annual Town Assembly is a meeting of all the local government electors for the Town. It is not a Meeting of the Town Council. Anyone may attend but only registered electors of Weymouth Town may speak and vote.

Recommendation:

Members agree the list of meeting dates for 19/20 and 20/21.

1. **Membership of Outside Bodies**

To consider making applications for membership of the Dorset Association of Local Councils (DAPTC), the National Association of Local Councils (NALC) and to note the annual payments for the Town Clerk’s and Deputy Town Clerk’s membership of the Society of Local Council Clerks.

Specialist Advice - DAPTC advises member councils on a wide range of issues pertinent to their work and role including:

* Legal Advice – DAPTC is affiliated to the National Association of Local Councils (NALC). The Town Council would be able to have direct access to NALC’s qualified legal specialists.
* Procedural Advice - Advice on procedural matters for member councils is normally answered in-house although more complex or unusual queries may be referred to NALC.
* Financial and Insurance Advice - Depending on their complexity, such queries are either handled in-house or referred to NALC.

**Dissemination of Current Information**

The DAPTC provides new and updated information to its members via electronic newsletters and circulars. It also provides publications for purchase at favourable cost. Its website has information on a range of procedural matters. NALC will also provide information directly to the Town Council, in recognition of the size of the Town Council’s electorate.

**Liaison With Local Statutory And Voluntary Organisations**

* Other Tiers of Local Government in Dorset - DAPTC has close and friendly ties with Dorset Council.
* Other Local Organisations - DAPTC maintains links with public organisations and voluntary bodies

**National and Local Lobbying**

* At the national level lobbying is usually carried out in co-ordination with our National Association but, for example, following a resolution at the DAPTC AGM, DAPTC may lobby Government Ministries direct. DAPTC forwards consultation papers to its members to enable their voices to be heard.
* Local lobbying whenever appropriate, DAPTC lobbies public organisations in Dorset on behalf of our members on specific issues of concern to them and will continue to do this with the new unitary councils. DAPTC is also a member of many consultative bodies, representing first tier councils throughout Dorset.

**Training**

The following is provided at minimal cost to members:

* Training courses and other sessions are organised regularly for both Clerks and Councillors of parish and town councils. The training courses cover a wide range of subjects providing essential training to those new to local council work and refresher training for the more experienced.
* Seminars - Seminars provide updates on new legislation, Government initiatives and subjects of general interest to Clerks, Councillors and Chairmen.
* Non-member councils are required to pay double fees for attendance to any of the above events.

Membership of DAPTC includes membership to NALC, which has achieved major financial savings for parish and town councils:

* Removal of the need for a data protection officer – NALC persuaded the Government that this requirement in the GDPR regulations was unnecessary for parish and town councils
* Organising the appointment of external auditors to save town & parish councils from having to do this individually
* Lobbying for rate relief for public toilets

DAPTC also works closely with NALC to gain guidance on the many changes to legislation which affect the day to day operation of parish and town councils. In addition to providing advice from a specialist legal team, NALC provides a lobbying service directly to central government. Legal updates are sent to clerks and are reflected in DAPTC training and events.

**The Society of Local Council Clerks**

The Society of Local Council Clerks (SLCC) is the nationally recognised body for Clerks and is the provider of the recognised Clerks qualification, the Certificate in Local Council Administration (CiLCA). This is the qualification necessary for a Council to take on the Power of Competency (Item 18 on this agenda.) The SLCC also offers advice and training for society members. The annual cost of both memberships is £753. It is usual for Councils to pay these subscription rates, especially in larger Councils.

Recommendation:

That Members:

1. Agree to join DAPTC (and thus NALC) at an annual cost of £2,500
2. Appoint two Members to be the official links to NALC
3. Note the Town Clerk and deputy Town Clerk’s membership of SLCC and the annual payment for that.
4. **General Power of Competency**

The general Power of Competency (GPC) is enshrined in the Localism Act 2011, S1 to 8. The GPC (LA 2011 s1(1)) gives councils “the power to do anything that individuals generally may do” within the law. GPC is available to councils that meet two eligibility criteria (LA 2011 s8) as set out in Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012. These are:

1. At the time the council resolves that it meets the criteria, the number (rounded up) 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.
2. 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.

The GPC will eventually replace the power of well-being contained in s.2 of the Local Government Act 2000. For comparison the power of wellbeing only allowed councils to do anything which they consider likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area.

**Eligibility**

To confirm eligibility a council must resolve at a full meeting, that it meets the criteria for eligibility at that exact time. The resolution must be minuted. To reaffirm eligibility a council must make a new resolution at every ‘relevant’ council annual meeting to confirm it still meets the criteria. Eligibility remains in place until the first annual meeting of the council after the ordinary election.

**Example activities under GPC:**

* Run a community shop or post office (provided relevant rules are abided by)
* 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.
* Establishing funds to provide loan finance to local businesses
* Setting up mortgage schemes to help boost local housing markets

**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. Councillors and Officers 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 council that is eligible to use the GPC must continue to abide by its duties. For example, 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 GPC[[1]](#footnote-1)
* 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.
* If another authority has a statutory duty, then it remains their duty to provide that service (eg education). If an an individual, a private company or a community trust could step in and help in a certain situation, then so can the 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 undertaking 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 residents. 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
* 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)**

If a Council does not take on the general power of competency, then it is still able to carry out activities under the Local Government Act 1972 s137. However, this power does not include all the freedoms of the GPC and as such may limit the Council’s aspirations.

* 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 takes on 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))
* The limit on s137 spending in 19/20 is set by Government at £8.12 per elector. In Weymouth this equates to £334,243.56. There are no limits to expenditure under GPC.
* 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.

Recommendation:

The Members agree:

1. That the Council meets the eligibility criteria for the GPC
2. That the Council wishes to take on the GPC

1. [↑](#footnote-ref-1)