

**BRAUNSTONE TOWN COUNCIL**

**MINUTES OF POLICY & RESOURCES COMMITTEE**

**THURSDAY 22nd AUGUST 2019 AT 7.30PM**

**PRESENT:** Councillor Nick Brown (Chair), Councillor Amanda Hack (Vice-Chair) and Councillors Anthea Ambrose, Shabbir Aslam, Sam Maxwell, Phil Moitt, Darshan Singh, Imran Uddin and Robert Waterton.

**Officers in Attendance:** Darren Tilley, Executive Officer & Town Clerk.

There were no members of the public present at the meeting.

**15. Apologies**

Apologies for absence were received from Councillor Bill Wright.

**16. Disclosures of Interest**

A disclosure of Non-Pecuniary Interest was made by Councillor Amanda Hack in agenda item 6, Transfer of Thorpe Astley Open Spaces: David Wilson Homes, updated documents, since Councillor Hack's private property was adjacent to one of the areas of open space.

**17. Public Participation**

In accordance with Standing Order 3.6, members of the public may attend the meeting for the purpose of making representations, giving evidence or answering questions in respect of any item of business included on the agenda.

There were no members of the public at the meeting.

**18. Minutes of the Meeting held 13th June 2019**

The Minutes of the Meeting held on 13<sup>th</sup> June 2019 were circulated (item 4 on the agenda).

**RESOLVED** that the Minutes of the meeting held on 13<sup>th</sup> June 2019 be approved and signed by the Chairperson as a correct record.

**19. Shakespeare Park - Improvement & Development**

The Committee considered an outline plan, including alternative options and an alternative strategy, to award the contract and commence delivery of the site and pavilion improvement works (item 5 on the agenda).

The Executive Officer & Town Clerk advised the Committee that the Available Funding, set out on page 7 of the report, incorrectly identified funding of £150,000 from Sport England – Community Asset Fund, which should be £100,000, consequently the table should read as follows:

Project	Funding Source	Funding
---------	----------------	---------

		<b>Amount</b>
New Pavilion (including Demolition of existing Pavilion) and improvements to site layout	Public Works Loan (over 2 years)	£886,936
	Sport England – Community Asset Fund	£100,000
	Capital Budget (over 2 years)	£20,000
	Section 106 Funding	£17,213
	Reserves	£53,707
	<b>Sub Total</b>	<b>£1,077,856</b>
	<b>Requirement</b>	<b>£1,127,856</b>
	<b>Funding Deficit</b>	<b>- £50,000</b>
Playground and Tennis Courts Improvements	Reserves	£40,000
	<b>Sub Total</b>	<b>£40,000</b>
	<b>Requirement</b>	<b>£84,000</b>
	<b>Funding Deficit</b>	<b>- £44,000</b>

The Committee discussed whether the £50,000 funding deficit for the “New Pavilion (including Demolition of existing Pavilion) and improvements to site layout” should be funded from “Reserves” or additional borrowing, “Public Works Loan (over 2 years)”, and in light of the low interest rate of 2.1% identified at Appendices 5 and 6 determined to increase the borrowing requirement, “Public Works Loan (over 2 years)”, up to £936,936.

The total borrowing of £936,936 is the equivalent of 5.95% on the precept, £7.14 per annum, 14p per week, for band D and £5.55 per annum, 11p per week, for a typical band B. However, provision of £21,306 has already been made in the annual budget for 2019/2020, meaning a further £13,432.42 would need to be found, which would increase the overall budget from £604,817 to £618,249, the equivalent of a 2.2% increase on the precept, increasing band D by £2.76 per annum, 5p per week, and a typical band B by £2.14 per annum, 4p per week.

## **RESOLVED**

1. that the funding position set out in the report, as updated at the meeting (see above), including the borrowing options, be noted and endorsed;
2. that the revised timescales for the project, attached at Appendix 2, including the signing of the contract to commence site and pavilion works, be approved and implemented;
3. that the updated Business Plan for the project, attached at Appendix 7, be approved;
4. that in the event that the current outstanding funding applications were unsuccessful or delayed, then the outline plan to commence and fund the works, as set out in the report and as updated at the meeting (see above), be implemented;
5. that delegated authority be given to the Executive Officer & Town Clerk, to liaise with the selected contractor, or where necessary the reserve contractors (as set out in minute 15 2018/2019) and the Council’s Architect and Surveyor in order to:
  - (a) determine the detailed arrangements, timings, and work schedules,
  - (b) where necessary, to amend the contract structure, and
  - (c) where necessary, to amend the contract costs in accordance with the Building Cost Information Service Building Cost Indices,
in order to award the contract in accordance with the timescales set out at Appendix 2;

6. THAT IT BE RECOMMENDED TO COUNCIL that approval in principle be sought from the Secretary of State for Housing, Communities and Local Government to borrow up to £936,936 (£500,000 in 2019/2020 and up to an additional £436,936 in 2020/2021), towards the cost of the Pavilion and Site Improvement Works (including demolition of the existing clubhouse) at Shakespeare Park; and
7. that further reports to the Committee set out:
  - (a) the current interest and repayment rates on Public Works loans, and
  - (b) proposed management and contract arrangements with the Clubs, including ensuring access to the facilities by the wider community.

*Reasons for Decision*

1. *To enable appropriate funding options to be assessed and sought to ensure the long term financial stability and sustainability of the project.*
2. *To ensure that the project, which would enable an increase in sport participation and improve recreation and play facilities in a Ward which had high rankings of multiple deprivation across a range of domains, including income, employment and education and had the worst proportion of overweight or obese children in the County of Leicestershire, moved to the delivery stage in the autumn of 2019.*
3. *To set out project deliverables, apply for funding from perspective funders and supporters; and to inform the community and sports clubs of the proposals and our future ambitions for the project.*
4. *To avoid delays to the project, which may increase the overall cost of delivering the project, with no guarantee of additional grant income.*
5. *To allow detailed arrangements for the work to be negotiated, enabling flexibility depending upon the available funding and minimising disruption to service users, while accepting there may be inflation costs to be added to the contract given the tenders were prepared in March 2018, and for contracts to be signed.*
6. *To enable the Council to fund the project, which had been identified in the Council's Priorities, Financial Strategy and Capital Plan and for which provision had and would be made to finance the borrowing from the Council's Revenue Budget.*
7. *To ensure that the cost of borrowing would be minimised. To maximise the investment in the facility for both the benefit of the clubs but also the wider community.*

**20. Transfer of Thorpe Astley Open Spaces: David Wilson Homes, updated documents**

The Committee received and considered revised maps of the land due to be legally transferred from David Wilson Homes to the Council (item 6 on the agenda).

**RESOLVED**

1. that the legal transfer of Open Spaces from David Wilson Homes

- Limited, as shown in red on the Plan and detailed in the Land Registry Transfer of part of registered title(s), attached at Appendix 1, be completed and that it be recommended to Council that the Common Seal be applied to the transfer documentation;
2. that delegated authority be given to the Executive Officer & Town Clerk, in consultation with the Leader and Deputy Leader of the Council, to approve amended open space transfer documentation from David Wilson Homes Limited and/or Wilson Bowden Developments Limited, when parcels of land need to be removed from the transfer documentation, or the boundary needs to be amended, in order to successfully register the transfer with the Land Registry;
  3. that where parcels of land were initially offered by David Wilson Homes Limited and subsequently maintained and managed by the Town Council, but not included in the final legal transfer map and documentation set out in 1 above, the Town Council cease to manage and maintain such land and inform David Wilson Homes Limited accordingly;
  4. that should David Wilson Homes Limited seek to subsequently transfer additional open space and should Braunstone Town Council be interested in adopting, then this would be subject to:
    - a) the developer picking up the cost of the Town Council's legal fees in full and providing a mutually agreeable commuted sum;
    - b) the land being transferred in a condition agreeable to Braunstone Town Council; and
    - c) the transfer of responsibility for management and maintenance taking place once the legal transfer had been completed and confirmed by HM Land Registry; and
  5. that following the completion of the Thorpe Astley Open Space transfers, a report be submitted to a future meeting of the Committee identifying public spaces transferred to the Town Council and remaining public spaces, including ownership where known.

#### *Reasons for Decision*

1. *To enable the transfer of the public open space owned by David Wilson Homes Limited to be completed and for the Town Council to become the legal owner.*
2. *To avoid further delay registering the titles with the Land Registry when the only practical solution would be to remove land or amend the boundary in order to successfully complete the registration and for the Town Council to become the legal owner of the remaining land.*
3. *There was no evidence that either developer would be in a position to transfer this land, nor was there any indication that other land originally identified would be transferred to Braunstone Town Council in the future.*
4. *To ensure that the Town Council nor the Town Council's Solicitor picked up additional legal costs due to the failure of David Wilson Homes to properly identify the open space for transfer and produce the necessary legal documentation. To ensure the Town Council was able to meet the initial costs of maintaining additional open space, particularly given the restraints on the Council's finances.*
5. *To enable Town Councillors and residents to direct queries, issues and concerns about public space to the correct body.*

## **21. Review of Safeguarding Policy**

The Committee considered revisions to the Council's Safeguarding Children and Child Protection Policy, including incorporation of protection of Vulnerable Adults, adopt as an interim policy and authorise as a draft for consultation (item 7 on the agenda).

### **RESOLVED**

1. that the proposed Children and Vulnerable Adults Safeguarding and Protection Policy, attached at Appendix 2 of the report, be adopted; and
2. that a consultation open to Councillors, staff, users and stakeholders to comment and recommend any changes to the policy adopted in 1 above, be approved as detailed in the report, with any proposed amendments being presented to the next meeting of Policy & Resources Committee, scheduled for 31st October 2019, for consideration and approval.

#### *Reasons for Decision*

1. *To ensure that the Town Council's safeguarding procedures continued to be fit for purpose, especially in the context of taking over responsibility for the management of Braunstone Town Library.*
2. *To ensure that Councillors, staff, users and stakeholders could input into the Town Council's approach.*

## **22. Volunteer Management Policy**

The Committee consider proposals for a Volunteer Management Policy, adopt as an interim policy and authorise as a draft for consultation (item 8 on the agenda).

### **RESOLVED**

1. that the proposed Volunteer Management Policy, attached at Appendix 1 of the report, be adopted; and
2. that a consultation open to Councillors, staff, users and stakeholders to comment and recommend any changes to the policy adopted in 1 above, be approved as detailed in the report, with any proposed amendments being presented to the next meeting of Policy & Resources Committee, scheduled for 31st October 2019, for consideration and approval.

#### *Reasons for Decision*

1. To ensure that the Town Council had clear and transparent policies in relation to volunteers, especially in the context of taking over responsibility for the management of Braunstone Town Library.
2. To ensure that Councillors, staff, users and stakeholders could input into the Town Council's approach.

**23. End of Quarter Financial Position - Cashbook and Reserves**

The Committee received a summary of the Council's Cash and Reserves for the period 1st April 2019 to 30th June 2019 (item 9 on the agenda).

**RESOLVED** that the end of quarter financial position be noted.

*Reason for Decision*

*There were no issues of concern with management of the Council's Finances.*

**24. Financial Comparisons**

The Committee received Financial Comparisons for the period 1st April 2019 to 31st July 2019 (item 10 on the agenda).

**RESOLVED** that the report be noted.

*Reason for Decision*

*There were no issues of concern with income and expenditure against the budget for 2019/2020.*

**25. Approval of Accounts**

The Committee considered payments from 1st June 2019 until 13th August 2019 (item 11 on the agenda).

**RESOLVED** that the list of Approved Expenditure Transactions for the period 1st June 2019 until 13th August 2019 be approved.

*Reason for Decision*

*To authorise payments in accordance with the Accounts & Audit Regulations and the Council's Financial Regulations.*

**26. Transfer of the Management Arrangements of Braunstone Town Library**

**RESOLVED** that in view of the special / confidential nature of the business to be transacted, it was in the public interest that the press/public be temporarily excluded and they be instructed to withdraw (Standing Orders 3.5 and 3.7 apply). *Reason for exception – Legal Advice.*

The Committee received for consideration and approval details of the arrangements to transfer the management of Braunstone Town Library from Leicestershire County Council to Braunstone Town Council, including associated legal agreements and staffing transfers (item 12 on the agenda).

**RESOLVED**

1. that the proposed Grant Agreement and associated schedules for

- Braunstone Town Library, as set out at Appendix 1 of the report, be approved;
2. that the proposed Licence to Occupy Agreement for Braunstone Town Library, as set out at Appendix 2 of the report, be approved;
  3. that the proposed Transfer of Undertakings Protection of Employment Agreement for staff employed in contracts at Braunstone Town Library, as set out at Appendix 3 of the report, be approved;
  4. that delegated authority be given to the Executive Officer & Town Clerk, in consultation with the Leader of the Council:
    - a) to agree any proposed changes recommended by the Town Council's Solicitor with Leicestershire County Council in order that the agreements could be finalised, approved, signed and implemented,
    - b) to approve changes to the number of staff and contracted hours due to be transferred from Leicestershire County Council to Braunstone Town Council and approve associated changes to the Transfer of Undertakings Protection of Employment Agreement (referred to in 3 above),
    - c) to agree with staff to be transferred under The Transfer of Undertakings (Protection of Employment) Regulations 2006 changes to contractual terms in accordance with section 4(5)(a) of the Regulations based on 'organisational' reasons, and
    - d) to approve a timetable for the management of Braunstone Town Library to be transferred from Leicestershire County Council to Braunstone Town Council; and
  5. that, subject to the Town Council's solicitor's advice on the implications, the Town Council set out, with the signed agreement, its interpretation and application of the word "reasonable" and "reasonably".

#### *Reasons for Decision*

1. *To ensure improvement to the Library Service, in accordance with the Town Council's vision, recognising that the County Council had an absolute obligation under the lease to meet premises costs, while ensuring that the Town Council avoided significant costs, liabilities and commitments.*
2. *To enable the Town Council to operate the service from the Library building while ensuring that the Landlord and Tenant relationship in the 2007 lease agreement between Braunstone Town Council and Leicestershire County Council was not compromised.*
3. *To enable the Town Council to employ staff at Braunstone Town Library, as set out in its proposed service model and provide continuity of service.*
4. *To enable the transfer of Braunstone Town Library to the Town Council's Management, ensuring that practical arrangements concerning the transfer could be implemented without undue delay and that the legal agreements were both sound and adhered to the requirements of the existing Lease Agreement.*
5. *To protect the Town Council, as a public body, against requests which put additional requirements upon the Council and its resources and could be contradictory to its Standing Orders, Financial Regulations and corporate policies.*

The meeting closed at 9.00pm.

NOTE:

CRIME & DISORDER ACT 1998 (SECTION 17) – The Council has an obligation to consider Crime & Disorder implications of all its activities and to do all that it can to prevent Crime and Disorder in its area.

EQUALITIES ACT 2010

Braunstone Town Council has a duty in carrying out its functions to have due regard to:-

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and;
- foster good relations between different groups

To ensure that no person receives less favourable treatment on the basis of race, disability, sex, gender re-assignment, sexual orientation, age, religion or belief, marriage or civil partnership, pregnancy or maternity.

These issues were considered in connection with each of the above decisions. Unless otherwise stated under each item of this report, there were no implications.

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_