

BRAUNSTONE TOWN COUNCIL

MINUTES OF POLICY & RESOURCES COMMITTEE

THURSDAY 14th APRIL 2016 AT 7.30PM

PRESENT: Councillor Nick Brown (Chair), Councillor Amanda Hack (Vice-Chair) and Councillors Anthea Ambrose, Shabbir Aslam, Sharon Betts (substituting for Stuart Maxwell), Sam Maxwell, Phil Moitt, Gary Sanders, Robert Waterton and Bill Wright.

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

There were 13 members of the public present at the meeting.

96. Apologies

Apologies for absence were received from Councillor Stuart Maxwell.

97. Disclosures of Interest

There were no disclosures of any Disclosable Pecuniary or Non-Pecuniary Interests by Members.

98. 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 13 members of the public at the meeting.

In respect of item 5 on the agenda, Future options for the Library and Customer Service Shop, members of the Save our Library Action Group (SoLAG) highlighted the following points for the Committee's consideration:

- a) SoLAG fully supported Braunstone Town Council's proposals for a Community Hub;
- b) Fabula's proposal did not meet Leicestershire County Council's criteria for a Community Managed Library and it appeared that Leicestershire County Council were applying the criteria inconsistently;
- c) Fabula propose to reduce the adult stock, this was not consistent with a community library but appears to be a dedicated children's library;
- d) proposals for structural alterations and moving adult book stock to the Civic Centre were a cause for concern;
- e) proposals would result in less adults using the Library, which would also result in less children being introduced to the Library and reading;
- f) Fabula's submission depended heavily on Braunstone Town Council's cooperation and support, however, there was concern that support to the Town Council and the Community was not being offered in return.

Members of SoLAG concluded that they hoped the Committee would communicate the points raised to Leicestershire County Council.

99. Minutes of the Meeting held 11th February 2016

The Minutes of the Meeting held on 11th February 2016 were circulated (item 4 on the agenda).

RESOLVED that the Minutes of the meeting held on 11th February 2016 be approved and signed by the Chairperson as a correct record.

100. Future options for the Library and Customer Service Shop

The Committee considered implementation of an agreement with Blaby District Council on the Customer Service Shop and an update on progress with Leicestershire County Council in respect of the future of Braunstone Town Library (item 5 on the agenda).

An extract, relevant to Braunstone Town, from the Leicestershire County Council Cabinet report for the meeting on 19th April 2016 on the Future Strategy for the Delivery of Library Services, was circulated.

RESOLVED

1. that the outline business cases submitted in September 2015 by Braunstone Town Council to run Braunstone Town Library remain offers available to Leicestershire County Council to accept;
2. that the Town Council's proposals for a joint Community Hub facility with partners and community organisations offering public, community and social inclusion services remain the Town Council's preferred solution for Braunstone Town Library and Braunstone Joint Customer Service Shop;
3. that the following points be submitted to the members of Leicestershire County Council's Cabinet, County Councillor for Braunstone Division and copied to relevant County Council officers, in respect of the report of the Director of Adults and Communities on the Future Strategy for the Delivery of Library Services (Cabinet item 7, 19th April 2016):
 - a) paragraph 35 was factually incorrect, the paragraph states "*BTC were not compliant with the funding package proposed by the County Council as they assumed continued County Council funding to cover the building running costs for a period in excess of its offer*"; Braunstone Town Council have not made any assumptions, there was a separate legal party agreement in place, which had been signed and sealed by both parties, which required Leicestershire County Council to meet certain premises costs, which as set out in Appendix A equates to £124k over 10 years; at no stage has Leicestershire County Council as the tenant sought to renegotiate or vary the terms of the agreement, and to that extent the decision of Cabinet in November 2014 in respect of the elements of the support package relating to Braunstone Town Library's premises costs was ultra virus; and therefore, the second submission by Braunstone Town Council (Appendix A) was compliant with the applicable elements of the support package;

- b) paragraph 37, this paragraph is incomplete since it did not clarify that Fabula submitted a bid outside the Register of Interest process, and therefore, other organisations would not be aware of the opportunity to submit a bid; the last sentence was also incorrect, the reason the bid required an amendment to the Council's support package was not because of any assumption by Fabula but because the support package timescales were linked to Register of Interest process and did not take into account receiving bids outside this framework;
 - c) paragraph 40 and Appendix A, states that Fabula propose "*some reduction of the adult lending stock*" and "*the reduction of adult library services for non-protected age ranges*"; this implies non-compliance with the community managed libraries "*condition of the grant funding that the community body uses the Council's book-stock in the community-managed library. This means it will need to be available on the same terms as in County Council Libraries*"; and
 - d) the report does not mention opening hours, which it was understood would be reduced in school term time, Cabinet members were urged to seek clarity on this from officers against the community managed libraries condition that "*the minimum level of provision in hours will need to be equal to the current opening hours. You can however vary the opening times from the current timetable and you can also increase the overall number of opening hours*";
4. that it be noted that the Committee supported the comments of members of the public, raised during the Public Participation part of the meeting (see minute 98) and that it was noted that there had been no public consultation on the process which considered Fabula's submission and that these comments be forwarded to members of Leicestershire County Council's Cabinet, County Councillor for Braunstone Division and copied to relevant County Council officers;
 5. that having had three submissions rejected by Leicestershire County Council as not being compliant with the community managed libraries model, Braunstone Town Council take steps to ensure that any proposed offer accepted by Leicestershire County Council had been considered using the same rules and approach and that should it appear that there was an inconsistent approach or unfair procurement rules were being applied, that legal advice be sought;
 6. that the principles set out in Braunstone Town Council's Mission Statement and the motion approved by the Annual Towns Meeting on 15th May 2014, be the basis upon which the Town Council works with Leicestershire County Council and any organisation selected by the County Council to manage Braunstone Town Library, to reach agreement on future partnership arrangements and collaborative working; and
 7. that the position in respect of the Service Level Agreement with Blaby District Council concerning the Joint Customer Service Shop and Social Inclusion services be received and noted.

Reasons for Decision

1. *The Town Council's proposals were viable, fully costed and were supported by the local community. The second option to manage the service based on the current service provision was compliant with the County Council's support package, since the premises lease represented an existing and separate party legal agreement.*
2. *The option for a Community Hub provided savings to all partners while providing for both additional and enhanced services around a service model which had the potential to deliver more effective and efficient services to the Community and therefore represented best value to the Council Tax payer overall.*
3. *The report of the Director of Adults and Communities contained factual errors and omissions, which may give rise to a different understanding of the context by Cabinet members.*
4. *To enable the Town Council to ensure that the Community's views were represented.*
5. *To determine whether the process was consistent and fair and to make a judgement whether any challenge to the process would be in the public interest.*
6. *It was recognised that Leicestershire County Council as the commissioning and responsible authority was able to determine who the service provider for Braunstone Town Library would be and as both the premises landlord and an elected body representing the community, Braunstone Town Council would work with public bodies, service providers and the community to meet its aims and objectives to protect and enhance public services, including the Library service.*
7. *To enable agreement to be in place to implement the shared vision for providing local access to Council and social inclusion services.*

101. Thorpe Astley Community Centre - Medical Rooms

The Committee considered an options appraisal for the use of Thorpe Astley Medical Rooms, including proposals from stakeholders and timescales for consultation and implementation (item 6 on the agenda).

RESOLVED

1. that the potential options and timetable for the options appraisal, as set out in the report, be approved; and
2. that should detailed proposals with timescales be received from East Leicestershire and Rutland Clinical Commissioning Group for providing Primary Care / NHS Services from the Thorpe Astley Medical Rooms, these be considered by the Town Council as part of the options appraisal.

Reason for Decision

1. *To enable the Town Council to identify community needs and aspirations, potential options for using the Thorpe Astley Medical Rooms space, and to focus its activity on delivering a solution for the benefit of the community.*
2. *To allow for the Town Council's desire to ensure GP services would be provided as soon as possible to the Community and in particular that the community were informed, engaged and involved.*

102. Shakespeare Park – Improvement & Development

The Committee considered options for rebuilding the Pavilion and for improvements to the play area and tennis courts, along with revised project timescales (item 7 on the agenda).

RESOLVED

1. that the proposals for rebuilding of the Shakespeare Park Sports Pavilion on a new site between the Bowling Green, Tennis Courts and Recreation field (option 2) with an extension of the car park where the existing building stands be approved as the preferred option and that the Architect be asked to produce final layout and elevations taking into account the issues identified by the Shakespeare Park Improvement Working Group;
2. that the approach to improvements to the Playground and Tennis Courts, as summarised in the report and in accordance with the preferred options of the Shakespeare Park Improvement Working Group be endorsed; and
3. that, subject to the inclusion of reporting to the Citizens' Advisory Panel, the revised indicative Project Timescales, as set out in the report, be approved.

Reasons for Decision

1. *Rebuilding the Pavilion on a different part of the site avoided the need for a temporary building since the existing building would be used during the construction and then demolished once the new building was available for use. It also avoided the need to find temporary storage. The Pavilion would overlook the sports field, bowls green and tennis courts. In addition, the option would allow for planning delays, construction delays or any other snags, which if the existing building was taken out of action would potentially put the project back into the same winter time slot the following year.*
2. *To provide play equipment suitable for children with disabilities and allow the tennis courts to be closed during the construction works for the Pavilion since there was likely to be a need for a secure compound. Improvement works to the tennis courts would be the final part of the project.*
3. *To provide a guide for the progression of the project, which could be*

amended accordingly by the Working Group as appropriate, and to ensure suitable engagement with the community.

103. Draft Schedule of Meetings

The Committee received a draft schedule of Meetings for 2016/2017 for recommendation to Full Council for adoption (item 8 on the agenda).

RESOLVED THAT IT BE RECOMMENDED TO COUNCIL that the schedule of Council and Committee meetings for 2016/2017, as attached at Appendix 1 of the report, be approved.

Reasons for Decision

To enable the Town Council to undertake its business and meet its statutory obligations.

104. Annual Report 2015/2016

The Committee received the draft Annual Report 2015/2016, including the draft Annual Survey, for recommending for adoption at the next meeting of the Full Council (item 9 on the agenda).

RESOLVED

1. that delegated authority be given to the Executive Officer and Town Clerk to include final data and information, reduce the content and to finalise the presentation, formatting and text to the proposed Annual Report 2015/2016 (Appendix 1) and Annual Survey 2016 (Appendix 2);
2. that subject to 1 above, THAT IT BE RECOMMENDED TO ANNUAL COUNCIL that the Annual Report 2015/2016 (attached as Appendix 1) be received and adopted; and
3. that subject to 1 above, and subject to the adoption of the Annual Report for 2015/2016, that the Annual Survey 2016 (attached as Appendix 2) be approved and circulated.

Reasons for Decision

1. *To enable the inclusion of the provisional year end accounts and ensure that the documents were finalised and presented for public consumption.*
2. *To report on the Town Council's achievements and to set out its priorities for the forthcoming year.*
3. *To enable the Town Council to review the effectiveness of its services and seek feedback on its forthcoming priorities.*

105. Standing Orders, Financial Regulations and Scheme of Delegation

The Committee reviewed the Council's Standing Orders, Financial Regulations and scheme of delegation in order to recommend adoption at the Annual Council Meeting (item 10 on the agenda).

RESOLVED THAT IT BE RECOMMENDED TO COUNCIL

1. that the proposed amendments to Standing Order 6.6 (d), (e) and (g), as set out in the report, be approved; and
2. that delegated authority be given to the Executive Officer & Town Clerk to correct cross-referencing errors with some of the Standing Orders;
3. that a full review of the Financial Regulations be undertaken and reported to Corporate Governance Sub-Committee and Policy & Resources Committee, prior to consideration by Council in June 2016;
4. that the Performance Indicator tables, set out in the appendices of the Scheme of Delegation, be deleted; and that the referencing to performance monitoring in the Scheme of Delegation to Standing Committees be amended to read "Determine performance measures to monitor delivery of key projects and identified service improvements, including setting targets and the frequency of reporting" (Plans & Environment (m), Community Development (g) and Policy & Resources (v));
5. that specific delegation 16 to the Executive Officer & Town Clerk be amended to read "To take action to remove trespassers from property and premises owned and managed by the Council" and that this delegation be titled "All Property and Premises"; and
6. that paragraph 6.3 of the Member Code of Conduct be amended to read "Requests must be made at least one clear day prior to the meeting at which Dispensation is required. Councillors should seek advice from the Executive Officer & Town Clerk or the Monitoring Officer at the earliest opportunity".

Reason for Decision

1. *To comply with The Public Contracts Regulations 2015.*
2. *Some of the cross-referencing had been overlooked when the structure of the Standing Orders was amended in 2015.*
3. *To comply with The Public Contracts Regulations 2015, other legislative changes and enable some procedures to be clarified and codified following a review of the financial and governance procedures for 2015/2016 by Corporate Governance Sub-Committee in June 2016.*
4. *To enable each Standing Committee to set its own performance measures and targets and amend these according to its priorities.*
5. *To clarify the intention that this rule was intended to apply to all Town Council property and premises, both owned and managed.*

6. *It was not possible to ascertain whether a dispensation would be required without a copy of the agenda, which would not be published until 5 days prior to the meeting.*

106. Open Spaces & Parks Winter Works Programme – Progress Report

The Committee received a progress report on the Winter Works Programme 2015/2016 (item 11 on the agenda).

RESOLVED that the progress with the Winter Works Programme be received and noted.

Reason for Decision

The work highlighted in the programme was on schedule for completion as planned.

107. Financial Comparisons

The Committee received Financial Comparisons for the period 1st April to 31st March 2016 (item 12 on the agenda).

RESOLVED that the report be noted.

Reason for Decision

The Council's actual income was higher than predicted for the year. While expenditure exceeded the predicted amounts, this was due to payment for large capital projects, for which grant funding and monies from reserves had been used.

108. Franklin Park Playground – Replacement Balance Trail

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 temporary excluded and be instructed to withdraw (Standing Orders 3.5 and 3.7 apply). *Reasons for exception – Commercial Interests.*

The Committee considered quotes for the replacement of the Balance Trail at Franklin Park Playground, along with funding options (item 13 on the agenda).

RESOLVED

1. that the quote from Company C to install product 5 to replace the Balance Beams at Franklin Park Playground, as detailed in the tender specification be accepted;
2. that in the event of the preferred supplier being unable to accept or withdrawing from the process, the quote from Company E to install product 8 to replace the Balance Beams at Franklin Park Playground, as detailed in the tender specification be accepted;

3. that a contract be issued for the works, subject to obtaining Section 106 monies of £6,238.34, with the balance of monies, up to £2,500, be allocated from the Council's Reserves; and
4. that delegated authority be given to the Executive Officer & Town Clerk, in consultation with the Leader of the Council, to liaise with the successful contractor, award the contract and determine the layout of the equipment, detailed timings, and arrangements for the works;

Reasons for Decision

1. *The quote from Company C for product 5 represented best value when balanced against cost, durability and the type of equipment to be supplied.*
2. *Failure to identify a reserve contractor would require resubmission to Committee for approval, identifying a reserve contractor at this stage would avoid delaying the project in the event of withdrawal by the preferred contractor.*
3. *To ensure that sufficient funding was available to fund the work prior to the contract being issued.*
4. *To ensure the equipment selected was laid out appropriately providing adequate space between equipment on the site and to allow flexibility for the work to be carried out minimising disruption to service users.*

109. Organisation Review – 6 Month Review of Implementation (Community Centres Staff)

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 be instructed to withdraw (Standing Orders 3.5 and 3.7 apply). *Reasons for exception – Personal Information / Legal Advice.*

The Committee considered the results of a 6 month review of the implementation of the Organisation Review for Duty Officer – Community Centres and Cleaner & Premises Operatives and considered proposals to address the issues identified.

RESOLVED that the review proposals 1 – 8, listed in the report (highlighted bold) be approved with an implementation date of 1st May 2016.

Reason for Decision

To adjust the establishment hours of the posts identified to take account of increased usage of the Community Centres and increased income, to modify the terms and conditions to allow for some paid additional hours as part of the Annualised Hours/ToiL system for staff, and to further review the position in 6 months to enable any amendments to be made to ensure a practical and deliverable solution.

110. Termination of the Meeting

The meeting closed at 9.05pm.

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: _____

DATED: _____