

UNADOPTED

**MINUTES OF A MEETING OF
MALVERN TOWN COUNCIL**

held on Tuesday 22 May 2018

Council Chamber, Belle Vue Terrace, Malvern, at 6.00 pm

Councillors

Present

C Bovey
J Cain
J Campbell
S Charles
M Harvey
I Hopwood
L Lambeth
P Mewton
N Mills
N Morton
J O'Donnell
C Palmer
B Regimbeau

P Smith
J Thomas
P Tuthill
D Watkins

Absent

H Campbell (apologies)
M Campbell (apologies)
M Fletcher

In attendance

Linda Blake – Town Clerk
Charles Porter – Operations Manager
Louise Wall – Minute Clerk

1. APPOINTMENT OF MAYOR

Two nominations had been received for the position of Mayor of Malvern Town Council.

After a secret ballot,

It was **RESOLVED** that Councillor Cynthia Palmer be appointed Mayor of Malvern Town Council for 2018/19.

2. MAYOR'S DECLARATION OF OFFICE

The Mayor, Councillor Cynthia Palmer, signed the Declaration of Office, witnessed by the Town Clerk.

3. APPOINTMENT OF DEPUTY MAYOR

Three nominations had been received for the position of Deputy Mayor of Malvern Town Council.

After a secret ballot,

It was **RESOLVED** that Councillor Brian Regimbeau be appointed Deputy Mayor of Malvern Town Council for 2018/19.

4. DEPUTY MAYOR'S DECLARATION OF OFFICE

The Deputy Mayor, Councillor Brian Regimbeau, signed the Declaration of Office, witnessed by the Town Clerk.

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Councillor Mark Harvey left the meeting at 6.15 pm.

5. **APOLOGIES FOR ABSENCE**

It was **AGREED** that apologies be taken and the reasons for absence considered on an individual basis.

Apologies for absence were received and accepted from:

- Councillor Hannah Campbell – who had another meeting to attend
- Councillor Matt Campbell – work commitments

6. **DECLARATIONS OF INTEREST**

Cllr Mills Allotment holder (item 13) and CAB (item 14)

Cllr Regimbeau Community Action

Cllr Tuthill Worcestershire County Council, Vice-Chair Hereford and Worcester Fire and Rescue

7. **MINUTES OF PREVIOUS MEETINGS**

It was **RESOLVED** that the minutes of the following meeting be approved and adopted as a correct record of the proceedings and they were signed by the Mayor:

- Full Council meeting 11 April 2018

PUBLIC PARTICIPATION

The Secretary of Goodwood Road Allotment Association spoke in support of the proposal from Operations Committee at agenda item 30. Allotment holders felt that the previous suggestion to restrict water usage to five hours per day was not workable, but they were fully supportive of the new proposal to switch off the water overnight. He also stressed that the association is very keen to work closely with the council to promote water conservation. He thanked the Operations Manager for replacing the taps at Goodwood Road allotments as this would be a good start to the water saving initiative.

8. **MAYOR'S ANNOUNCEMENTS**

The Mayor reported on her recent visit to Mariánské Lázně which was to celebrate the opening of the 200th spa season. A black pear tree had been planted in celebration of the twinning of Malvern with Mariánské Lázně. Malvern is the only English town twinned with a town in the Czech Republic.

9. **TOWN CLERK'S REPORT**

The latest Town Council newsletter will be distributed in the All About Malvern magazine soon and a copy will be in the Councillor weekly packs on Friday.

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A new John Deere mower as agreed at the last council meeting has been purchased and collected from Winchester.

The review of litter bins in Malvern Link will take place within a couple of weeks and will be carried out by Charles Porter and Cllr Tuthill.

The Health and Wellbeing Fair in Rose Bank Gardens had been very successful with large numbers of the public attending and taking part in the treatments and services offered. The feedback from stallholders and attendees alike had been very positive showing that lessons had been learnt from a few teething problems the previous year.

10. **REPORTS BY COUNTY AND DISTRICT COUNCILLOR REPRESENTATIVES IN ATTENDANCE**

County Councillors

Cllr O'Donnell reported that:

- At the Worcestershire County Council AGM Simon Geraghty was elected as leader and Cllr Brandon Clayton was elected as Chairman.
- At the Malvern Hills District Council AGM David Chambers was elected as leader for another year, Melanie Baker as Deputy Leader, Andrea Morgan as Chairman and Tony Baker as Vice Chairman
- Cllr O'Donnell is now the portfolio holder for Policy, Governance and Localism
- Closure of Abbey Road was now in effect for wall repairs, and initial teething problems with closure notice and detour signage had now been ironed out
- Problems had been reported, with traffic driving on kerbs in Court Road, this was being addressed by repainting lines and considering the possibility of street furniture such as bollards
- Following the Church Street consultation, a review would be taking place of on-street and off-street parking

Cllr Tuthill reported that:

- The railway bridge on the Southern Link road will be put into place next week. Road closures will be in place for just over a week
- He is due to attend a Hereford and Worcester Fire and Rescue meeting next week, which may be the last as the West Mercia Police and Crime Commissioner is due to take over the governance of the Fire Service.
- As part of the Herefordshire and Worcestershire Sustainability and Transformation Partnership (STP), the Malvern team will be based in the community hospital. Cllr Tuthill will arrange for a speaker to address the council on this subject.

District Councillors

There were no reports from District Councillors.

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11. MEMBERS' QUESTIONS

None.

12. SPECIAL MOTION – REFORMATION OF COMMITTEES

Council discussed the decision made at Full Council on 28 March 2018 and whether this decision should be overturned.

Some Councillors felt that the decision made should stand at least for six months so that the council could see whether the new system could work.

Many others felt that whilst there had been too many meetings previously, a change to just council meetings was too extreme and that committee meetings provided a good way to discuss and agree items, provided that Council could show trust in its committees.

It was **RESOLVED** that further to the resolution made at the Extraordinary Council meeting on Wednesday 28 March 2018, Malvern Town Council should not move to Full Council meetings only.

- i. Full Council meetings should be held on a monthly basis but in addition the following committees should be formed:
 - Policy & Resources Committee, to include Staffing and Governance
 - Operations Committee, to include Events and Strategic Planning
- ii. Audit Committee would remain and meet three times a year.
- iii. Any items which require special investigation should be passed to either of the above committees with the understanding that a response will be forthcoming in less than three months.
- iv. Except in exceptional circumstances there will be no further working parties.

A named vote was taken on the above items:

Those for (11): Councillors Jenny Cain, Jill Campbell, Pat Mewton, Neil Morton, James O'Donnell, Cynthia Palmer, Brian Regimbeau, Peter Smith, Jeremy Thomas, Paul Tuthill, David Watkins.

Those against (5): Councillors Caroline Bovey, Samantha Charles, Ian Hopwood, Lynne Lambeth, Neville Mills

No abstentions.

13. APPOINTMENT OF COMMITTEES

Report AC01/18 was received. Following the decision at agenda item 12:

- A. It was **RESOLVED** that membership of the Audit Committee be agreed at five members:

Cllr Caroline Bovey

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Cllr Lynne Lambeth

Cllr Pat Mewton

Cllr Neville Mills

Cllr Peter Smith

- B. It was **RESOLVED** that an Emergency Decision-Making Group be formed to assist officers by making urgent decisions required outside of council meetings such as response to press enquiries, legal matters etc and that members will serve for twelve months only. Membership will comprise:

The Mayor, Cllr Cynthia Palmer

The Deputy Mayor, Cllr Brian Regimbeau

Chairman of Policy and Resources Committee

Vice Chairman of Policy and Resources Committee

Chairman of Operations Committee

Vice Chairman of Operations Committee

- C. It was **RESOLVED** that membership of the Policy and Resources Committee be confirmed at ten members as follows:

Cllr Jenny Cain

Cllr Jill Campbell

Cllr Matt Campbell

Cllr Matt Fletcher

Cllr Mark Harvey

Cllr Neil Morton

Cllr James O'Donnell

Cllr Brian Regimbeau

Cllr Jeremy Thomas

Cllr Paul Tuthill

- D. It was **RESOLVED** that membership of the Operations Committee be confirmed at nine members as follows:

Cllr Caroline Bovey

Cllr Hannah Campbell

Cllr Samantha Charles

Cllr Ian Hopwood

Cllr Lynne Lambeth

Cllr Pat Mewton

Cllr Neville Mills

UNADOPTED

Cllr Peter Smith

Cllr David Watkins

It was **RESOLVED** that all other committees and working parties be suspended although it was noted that these can be set up during the year if required as in the example of the Budget Working Party which will be required during budgeting time.

All committees and working parties to elect a Chairman and Vice-Chairman at the first meeting of each group.

Cllr Jill Campbell left the meeting at 7.15 pm

14. **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES**

Report AC02/18 was received.

It was **RESOLVED** that the appointment of Representatives to Outside Bodies for 2018/19 be determined as below:

Outside Body	Councillor(s)
Malvern Hills Council for Community Action	Cllr Brian Regimbeau
Malvern Hills CAB Management Committee	Cllr Neville Mills
Malvern Town Council/Malvern Hills District Council Liaison Group <i>(Mayor and Deputy Mayor)</i>	Cllr Cynthia Palmer Cllr Brian Regimbeau
Malvern Community Networking Forum	Cllr Jill Campbell
County Association of Local Councils (CALC)	Cllr Jeremy Thomas
Malvern-Mariánské Lázně Community Partnership (MLCP)	Cllr Ian Hopwood
Malvern-Bagnères de Bigorre Twinning Association (MBTA)	Cllr Brian Regimbeau
Malvern Twinning Steering Group <i>(Mayor and Deputy Mayor)</i>	Cllr Cynthia Palmer Cllr Brian Regimbeau

15. **AUDIT COMMITTEE – TERMS OF REFERENCE**

Report AC03/18 was received.

UNADOPTED

It was **RESOLVED** that the terms of reference for the Audit Committee as attached at Appendix A to these minutes be accepted.

Due to the length of the agenda, the Chairman called a ten-minute break at 7.20 pm. The meeting resumed at 7.30 pm

Under Standing Order 1a, the Chairman altered the order of business so that agenda item 30 would follow.

16. **OPERATIONS COMMITTEE**

Cllr Hopwood presented the minutes of the Operations Committee.

Members of the Operations Committee approved and adopted the minutes of the following meeting:

- Wednesday 16 May 2018

Minute 53 Installation of water timers at Goodwood Road and Knapp Way Allotments

It was **RESOLVED** that Council amend its resolution from 7 February and that water timers be fitted at Goodwood Road and Knapp Way allotments to switch the water off overnight from 9.00 pm until 7.00 am. Water will also be switched off completely from 1st November until 1st March.

The Chairman now reverted to the original agenda order

17. **REVIEW OF CALENDAR OF MEETINGS 2018/19**

It was **RESOLVED** to accept the proposed additional meetings as listed on the Calendar of Meetings 2018/19. Revised Calendar of Meetings attached at Appendix B to these minutes.

It was **AGREED** that Officers would review the date of the meetings if any further feedback was received from councillors.

18. **REVIEW OF STANDING ORDERS**

Report AC04/18 was received.

It was **RESOLVED** that this task be delegated to Policy and Resources Committee, with a completion date of three months after its first meeting, thereby ensuring the review can be presented to Full Council no later than at its meeting on Wednesday 3 October 2018.

19. **ANNUAL REVIEW PROCESS**

Report AC05/18 was received.

UNADOPTED

It was **RESOLVED** that Council delegates a review of the following items with any recommendations to come back to Full Council no later than its meeting on Wednesday 3 October 2018 for ratification:

- Delegate items a), b), c), d), f), g), h) and i) to Policy and Resources Committee
 - Delegate item e) to Operations Committee
 - Delegate item j) to Audit Committee
- a) Review of delegation arrangements to committees, subcommittees, staff and other local authorities.
 - b) Review of the Terms of Reference for Committees.
 - c) Review and adoption of appropriate standing orders and financial regulations.
 - d) In an election year to make arrangements with a view to the Council becoming eligible to exercise the general Power of Competence in the future.
 - e) Review of inventory of land and assets including buildings and office equipment.
 - f) Review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - g) Review of the Council's complaints procedure.
 - h) Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
 - i) Review of the Council's policy for dealing with the press/media.
 - j) Review of Internal Controls.

20. TOWN COUNCIL WEBSITE

Report AC06/18 was received.

It was **RESOLVED** to award the contract to create a new Town Council website to V8 Media at a cost of £12,955.

21. LAND AT ELGAR AVENUE – FUTURE DEVELOPMENT

Report AC07/18 was received.

It was **RESOLVED** to agree funding of up to £5,500 for an outline planning application at Elgar Avenue along with the required assessments and surveys.

It was **NOTED** that this was for outline planning permission only at this stage and that this matter would return to council for further discussion at a later date.

22. DATA PROTECTION – APPOINTMENT OF EXTERNAL DPO

Report AC08/18 was received.

UNADOPTED

Council **NOTED** the government amendment to exempt all Parish and Town Councils from the requirement to appoint a Data Protection Officer (DPO) under the General Data Protection Regulation. The Council would therefore not appoint a DPO.

The Council also wished to record their thanks to CALC and NALC as these organisations had been working hard on behalf of local parish and town councils in order to clarify and simplify this new legislation.

23. OUTDOOR THEATRE – ADDITIONAL PERFORMANCE

Report AC09/18 was received.

It was **RESOLVED** to approve a second outdoor theatre performance, to take place on Friday 20 July 2018 in Rose Bank Gardens.

24. PAYMENT OF ANNUAL SUBSCRIPTIONS: MEMBERSHIP OF ORGANISATIONS

Report AC10/18 was received.

It was **RESOLVED** to approve the following subscriptions:

<u>Organisation</u>	<u>Cost 2017/2018</u>	<u>Estimated Cost 2018/2019</u>
Worcestershire CALC/NALC	£2,208	£2,281
Chartered Institute of Public Finance and Accountancy	£310	£315
LAVAT Consulting VAT Forum	£250	£250
Local Government Employers	£450	£450
Institute of Cemetery Management	£90	£90
Cotswold Line Promotion Group	£10	£10
Total	£3,318	£3,396

A request for an annual subscription of £100 had been received from the Friends of Malvern Priory. However, whilst the Council was in favour of supporting The Friends in some way, it was felt that a subscription of £100 was not the best way to achieve this as all of the other organisations were necessary for the running of the Council whilst the Friends of Malvern Priory was not.

It was **AGREED** that the Mayor should contact Roger Sutton to explore other ways in which the Town Council might support the Priory, for example by way of a grant.

UNADOPTED

25. **REPLACEMENT OF PLAY AREA EQUIPMENT – BUDGET 2018/19**

Report AC11/18 was received.

It was **RESOLVED** to approve the purchase of new play equipment from Company A at a total cost of £27,521.

26. **REVIEW OF GRANT SCHEME REPORTS – GRANTS AWARDED IN 2017/18**

All of the organisations in receipt of a grant from Malvern Town Council in 2017/18 had submitted their reports, which were noted in the meeting. A copy is available in the Town Council offices.

27. **AUDIT COMMITTEE**

The minutes of the Audit Committee meeting held on 23 November 2017 could not be accepted due to too few members being present.

28. **STRATEGIC PLANNING COMMITTEE**

Cllr Mewton presented the minutes of the Strategic Planning Committee.

Members of the Strategic Planning Committee approved and adopted the Minutes of the following meeting:

- 19 April 2018

It was **RESOLVED** that the minutes of the Strategic Planning Committee meeting held on 19 April 2018 be received and adopted.

There were no recommendations to consider.

29. **EVENTS COMMITTEE**

The minutes of the Events Committee meeting held on 27 March 2018 could not be presented due to only one member being present.

In the absence of Cllr Jill Campbell, Cllr Thomas presented the minutes of the Events Committee, held on 25 April 2018.

Members of the Events Committee approved and adopted the minutes of the following meeting:

- 25 April 2018

It was **RESOLVED** that the minutes of the Events Committee meeting held on 25 April 2018 be received and adopted.

Minute 53 Alternative Bands in the Park

After discussion, Council decided not to accept the recommendation that an entry fee of £2 should be charged for Alternative Band performances in The Cube. These performances would therefore be free of charge.

UNADOPTED

30. POLICY AND RESOURCES COMMITTEE

Cllr Thomas presented the minutes of the Policy and Resources Committee.

Members of the Policy and Resources Committee approved and adopted the minutes of the following meeting:

- 9 May 2018

It was **RESOLVED** that the minutes of the Policy and Resources Committee meeting held on 9 May 2018 be received and adopted.

Minute 73 Quarterly Accounts – Fourth Quarter

It was **RESOLVED** to approve the Management Accounts for the fourth quarter ending 31 March 2018.

Minute 75 Review of Whistleblowing Policy

It was **RESOLVED** to accept the Town Council Whistleblowing Policy as reviewed by Policy and Resources Committee and a copy of which will be put on the Town Council website.

31. OPERATIONS COMMITTEE

This item already completed at item 16.

32. DATA PROTECTION WORKING PARTY

The notes of the Data Protection Working Party meetings held on 20 February and 4 April 2018 could not be presented due to too few members being present.

33. DATE OF NEXT MEETING

It was agreed that the date of the next meeting of Full Council will be Wednesday 13 June at 6.00pm.

The meeting finished at 8.15 pm.

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(Chairman)

MALVERN TOWN COUNCIL
AUDIT COMMITTEE: TERMS OF REFERENCE

CONSTITUTION

The Committee will consist of five Councillors (excluding members of the Policy and Resources Committee) appointed by Full Council at the Annual Council Meeting. Committee meetings will be arranged by the Town Clerk.

ELIGIBILITY

Members of the Committee involved in undertaking any financial audit of the Council will withdraw from being cheque signatories for the period of the audit.

RESPONSIBILITIES

1. Actions required pursuant to the annual audit by the internal and external auditors.
2. To ensure that any new financial systems introduced by Council have adequate controls and provide appropriate audit trails.
3. To implement internal audits within the parameters required by statute.
4. To review the annual internal audit report on the Council's activities for further consideration by Council, and make recommendations.
5. To receive the report of the external auditor and make recommendations if necessary.

MALVERN TOWN COUNCIL
CALENDAR OF MEETINGS 2018/19

2018

Monday 4 June	Audit Committee meeting – Annual Return
Wednesday 13 June	Full Council (Year End Accounts and Annual Return)
Wednesday 4 July	Full Council
Wednesday 18 July	Operations and Planning Committee
Wednesday 25 July	Policy & Resources Committee (quarterly accounts)
Wednesday 1 August	Full Council
Wednesday 29 August	Operations and Planning Committee
Wednesday 5 September	Full Council
Wednesday 12 September	Budget Working Party
Wednesday 19 September	Policy & Resources Committee
Wednesday 26 September	Audit Committee
Wednesday 3 October	Full Council
Wednesday 10 October	Operations and Planning Committee
Wednesday 17 October	Budget Working Party
Wednesday 31 October	Policy & Resources Committee (quarterly accounts)
Wednesday 7 November	Full Council
Wednesday 14 November	Operations and Planning Committee
Wednesday 21 November	Budget Working Party
Wednesday 5 December	Policy & Resources Committee (budget)
Wednesday 19 December	Full Council (final budget)

2019

Wednesday 30 January	Operations and Planning Committee
Wednesday 6 February	Full Council
Wednesday 13 February	Policy & Resources Committee (quarterly accounts)
Wednesday 20 February	Operations and Planning Committee
Wednesday 27 February	Audit Committee
Wednesday 6 March	Full Council
Wednesday 13 March	Annual Town Meeting
Wednesday 20 March	Operations and Planning Committee
Wednesday 27 March	Policy & Resources Committee
Wednesday 3 April	Full Council
Wednesday 10 April	Operations and Planning Committee
Wednesday 1 May	Policy & Resources Committee (quarterly accounts)
Thursday 2 May	Full Council Elections
Wednesday 22 May	Annual Council