

6. TOWN CLERKS UPDATE - Resolutions from the 25th August 2020 meeting. Cattle Market Makers project CLLD - Legal advice to be sought following the finalisation of the legal advice paper.

Background – The 22nd September 2020 Mayor, Deputy Mayors and Chairs meeting considered the legal advice update and the associated documents. Subject to modification to show the lease had now been received it was agreed for sending to the Town Council's Solicitor.

The legal advice paper as sent is set out below.

“Cattle Market Makers Project - Review of Legal Documentation

Overview

The Cattle Market Makers project will provide small workshops and shared space in a new creative hub. There will be business and other support for craftspeople and makers and opportunities to try new crafts for those just starting out. The creative hub will be a small-scale modular development, which will include small workshops for rent, shared making and training spaces and an office for the project staff. The intention is to provide a boost to Liskeard Town economy through the creation of jobs. Total cost of the project is around £700K

The freehold of this site is currently owned by Cornwall Council.

The project is being financed through a CLLD bid, with significant match funding from Cornwall Council CC and a £2,000 investment by Liskeard Town Council (LTC).

Documentation

The project is being documented through a series of legal agreements and advice is sought on all four of these:

A collaboration agreement sets out how CC and LTC will work together on the project and includes a project schedule with more detailed responsibilities. This has been agreed by CC cabinet and as a 'working document' by LTC, subject to legal advice.

A lease for the creative hub. The land and the modular workspace will be owned by Cornwall Council and leased to LTC. The lease has been prepared by CC and with the provisions developed in consultation with LTC subject to legal advice.

If the CLLD application is successful and CLLD makes a grant offer there will be a funding agreement. The detailed contents of this are obviously not yet available but CLLD have sent us the template.

LTC want to ensure that the legal documentation is as complete as is appropriate, that documents are consistent and do not leave ambiguous gaps, and correctly reference each other.

LTC also want to ensure that proper mechanisms are in place to guide and set out the process of funds flow.

As well as the draft documents available to date, we are attaching a series of issues raised about the funding agreement by one of our councillors, Julian Smith, and the responses from Judith Hann at CLLD.

In particular LTC want to ensure that:

1. All parties are properly authorised to enter into this project and are not exceeding their legal capacity.
2. Potential impact of a change of ownership of the Cattle Market during the term of the agreement and does the documentation protect the LTC from such change.
3. The documentation is complete and consistent and does not provide for opportunities to change or redirect the project in any way to the detriment of LTC.
4. The termination provisions are clear and fair and do not prejudice LTC in respect of the CLLD or other parties who might have recourse to compensation at law.
5. Insured risks have been properly considered and that there is an obligation to take out proper insurance cover against those risks.
6. What if any restrictions are placed on LTC to operate and let the containers to tenants.
7. Any other aspect of this project set out in the agreements of which LTC should be aware before entering into these agreements.”

Coodes have been supplied with:

- Review of Legal documentation – as above
- Lease
- Collaboration Agreement
- Grant Offer Letter

They have advised that the usual solicitor may not be available for the next couple of weeks. The lease is currently being considered by a solicitor in their Penzance who has experience of considering leases and agreements between Penzance Town Council and Cornwall Council on land, buildings and infrastructure projects.

We have requested an opinion in time for the 27th October 2020 Town Council to receive and consider.

Website Accessibility – new regulations have just come into force for public sector organisations on website accessibility which we must comply with. The Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 aim to ensure reasonable adjustments to websites are made, so they are accessible to people with various disabilities. From 23 September 2020, all local councils must have an action plan and an accessibility statement in place and have started work to their websites to become more accessible.

Many people rely on the internet as a source of information on public services. Thought must be given to how accessible information is on council websites, for example:

- zoom in up to 200% without the text spilling off the screen
- navigate most of the website using just a keyboard
- navigate most of the website using speech recognition software
- listen to most of the website using a screen reader

Disabilities can have a significant impact on how a person can access information online, so local councils must make their websites as accessible as possible. Even making small adjustments to a website can have a considerable effect.

During lockdown, while the TIC was closed Vicky was able to spend time carrying out the required audit to pages of our website. As a result, required changes have been identified. Some of these can be carried out by staff and will also require changes to the way information to be added to the website is presented in the future, e.g. minutes of meetings. Where possible the regulations also require us to amend documents available to the public created since 23 September 2018, which would include all existing policies, and past agendas and minutes. This will be a time-consuming piece of work, which the TIC staff will be working on over the next few months.

A list of other updates required has been sent to the website provider and we are working with them to form an action plan for dealing with these. There may be a budget requirement.