

TOWN CLERK'S REPORTS – 29TH AUGUST 2017 – COUNCIL MEETING

7. TOWN CLERK'S UPDATE – Items from the 27th June 2017 Council meeting not already on the agenda – For info.

8. WESTBOURNE GARDENS – CORNWALL COUNCIL AND LISKEARD TOWN COUNCIL JOINT MANAGEMENT AGREEMENT. – to receive legal advice and adopt the changes recommended to the Agreement.

Background – the last Council meeting resolved to refer the draft agreement for legal advice. This was obtained and is attached as an appendix to the report. The Facilities Manager has checked the legal advice against the draft agreement and made the comments below:

As resolved by the Town Council the latest version of the agreement between Cornwall Council and Liskeard Town Council to run and manage the Westbourne Gardens was submitted to Coodes Solicitors for legal scrutiny and appraisal.

The comments regarding the terms and wording of the agreement which have been made by Kevin George of Coodes are as noted in his supporting letter and have been cross referenced and annotated on the copy of the draft agreement.

The recommendation's and advice from Mr George consist of some minor errors in wording, minor clarifications (clauses 3.10.3 & 11.3), the preferred use of the term 'Reasonable' (as in clause 2.1.3 and others) and the need for copies of Cornwall Council's Contract procedure rules and financial regulations and their Health and Safety Policy to be annexed to the agreement.

Mr George also reminds us of our obligations regarding Safeguarding and that of any potential hirers. Two Town Council staff have already received Safeguarding training although there is likely to be a cost implication for additional / enhanced training to fully comply with this clause. A Town Council Safeguarding policy is currently being formulated.

The Management Agreement also calls for the Town Council to have in place a hirers agreement to ensure hirers comply with the various conditions and regulation contained therein.

One further clause that Mr George recommends changing is 15.1, relating to Cornwall Councils ENTITLEMENT to 'Assign the agreement or part thereof' which he advises should be prohibited. This change could prove contentious with Cornwall Council.

RECOMMENDATION: That the Town Council **NOTES** the advice and recommendation's put to them by Coodes Solicitors regarding the Westbourne Gardens Management Agreement **AND RESOLVES** to return the agreement to Cornwall Council requesting that the proposed amendments and alterations be acted on and a revised agreement be re-submitted for this Councils approval.

9. STANDING ORDERS – to adopt the revised Standing Orders.

Background – the current Standing Orders were based upon a National Association of Local Councils (NALC) recommended best practice template in 2015. The Town Council revised Standing Orders on 16th February 2016, to take account of changed national guidance regarding the ending of the former prohibition on the recording of meetings. (current Standing Orders attached).

Standing Orders 2017 - Code of Conduct, Complaints and Dispensations Update – Cornwall Association of Local Councils (CALC) has supplied updated Model Standing Orders to cover “Code of Conduct, Complaints and Dispensations”. These are attached. Small changes are proposed to two other Standing Order:

- Subject to noting that in our Standing Orders they would replace Orders 14 and 15, rather than 13 and 14.
- Subject to the inclusion of “may” under i). “a councillor “may” remain”
- Note that under j). Code of Conduct 2.6 – The Town Council has “You must not do anything in your official capacity to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your other interests”
- Standing Order 6 Ordinary Council Meetings – c). is modified to “at 7.30 p.m.”.
- Standing Order 19 Financial Controls and procurement – f). contract value “£138,893” be revised to “£164,176”.

RECOMMENDATION: That the Council adopts the Standing Orders 2017 as per the items above.

10. FIRE ALARM BUDGET a). to approve a budget from the nominated reserve of £20,000. b). subject to confirmation of the suitability of the site for radio signals, to delegate to the Town Clerk, in conjunction of the Chair of Facilities the approval of a tender for the fire alarms not exceeding the value of £20,000.

Background – The Facilities Committee has referred a motion minute 188/17 to the Town Council regarding the need to upgrade the fire alarms and detection system in the Public Hall complex and adjacent offices. These improvements are necessary and have arisen from a recent inspection by a qualified fire risk assessor. Four potential suppliers have supplied quotes. One is too expensive. However, the other three are all within the £19,000 - £20,000 price range. This budget item does not currently appear within the Facilities Committee 2017/2018 approved budget. Council is asked to approve that the £20,000 required is taken from the £69,780 large buildings dilapidations’ reserve held by Council for works to the main buildings.

The Town Council is seeking to use the latest radio signal operated fire detection and alarm system. This would offer the benefit of being able to be removed during any refurbishment works and put up again. Before accepting a tender, the complex of buildings will be subject to site visits and testing to ensure that radio signal is sufficiently robust. This it is hoped can be achieved much more quickly than waiting for the next Town Council meeting on 31st October 2017. It is proposed that the selection of contractor is delegated to the Town Clerk, in consultation with the Chair

of Facilities Committee, with advice from the Facilities Manager and Vice Chair of the Facilities Committee.

Motion 189/17 – the Facilities Manager, in conjunction with the External Fire Risk Assessor, will prepare a prioritised schedule of proposed improvements to the fire doors at both the Public Hall and Guildhall. The Fire Risk Assessor has indicated that this does not require the same priority as is necessary with the upgrade of the fire detection and alarms system.

RECOMMENDATIONS: a). That the Council to approve a budget from the nominated reserve of £20,000. b). That subject to confirmation of the suitability of the site for radio signals, Council delegates to the Town Clerk, in conjunction of the Chair of Facilities the approval of a tender for the fire alarms not exceeding the value of £20,000.

11. DEVOLUTION INITIAL PROPOSAL FORM – to receive an update and consider whether a). to add further liabilities / assets to the Initial Proposal Form. b). to consider verge treatment.

Background – It has previously been reported that the Town Council Initial Proposal Form was one of 75 submitted to Cornwall Council. It is reported that Cornwall Council are considering progressing the assessment of the bids.

Update – Cornwall Council has supplied an additional list of sites which is attached as appendix “Liskeard Open Spaces Cornwall Council”. It should be noted that:

- The list is of Cornwall Council owned properties of the Liskeard postal area and hence includes sites in Menheniot, St Keyne, Dobwalls etc and this can be checked under the “Locality” column further to the right of the spreadsheet.
- That included on the list are some but not all, of the items that the Town Council has already included on the Initial Proposal Form submitted earlier in year. (e.g. under “Record” 98, 99 101, 105, 367, 368, 369, 371, 373, 388, 407, 441,442, 463, 464, 468, 469 and 470.)
- It should be noted that the Environment Service of Cornwall Council has asked if we would wish to take on any further liabilities of theirs. However, the list contains all land ownerships of Cornwall Council. It is possible that if the Town Council were to request a piece of land managed operationally by another service of Cornwall Council, that they might object to the item being included in a Devolution package.

Points to Consider – Should you wish to investigate the addition of further liabilities, you may wish to consider adding to the assets that the Town Council has already requested. This would help to reduce the eventual cost to the local precept payer of a Devolution package. The Town Council did include in the Initial Proposal Form the following assets – Westbourne car park, Rapsons’ car park, the Liskeard Business Park units.

Verge Treatment – there has been a proposal, that if the Town Council wishes to see increased frequency of verge cutting over that currently undertaken. Cornwall

Council could provide a licence to the Town Council. This would enable the Town Council or our appointed contractors to carry out the additional verge cutting. It should be noted that the proposal would not be to devolve verge cutting entirely to the Town Council.

Plans of the current verge cutting schedule were requested to assist the Town Council in considering the option. However, it appears that the information is contained on the part of the Cornwall Council information system to which the public do not have access. The Community Link Officer David Read offered to host an access session from his office at Luxstowe to enable some representatives of the Town Council to view the verge cutting schedule.

RECOMMENDATIONS: a). That the Council considers whether to add further liabilities / assets to the Initial Proposal Form. b). That the Council considers whether to investigate further verge treatment.

12. ONE PUBLIC ESTATE (OPE) – to support the Cornwall Council bid to the Government for One Public Estate funds for projects in Liskeard.

One Public Estate (OPE) – The One Public Estate (OPE) programme is an initiative delivered in partnership by the Local Government Association (LGA) and the Cabinet Office Government Property Unit (GPU). It was trialled in 12 areas in 2013. It now extends to 250 Councils. Cornwall Council is the principal Council for Cornwall. The intention is to promote joint working between public sector partners encourage the better use of assets including the release and development of brown field sites.

Cornwall Council is putting together a bid for submission to the Government under the Open Public Estate (OPE) initiative. Cornwall Council have indicated they will be including Liskeard in the bid.

Council may recall that in the Initial Proposal Form submitted earlier this year, that the Town Council had included the request to be involved in potential joint projects on the Cattle Market site should the site become available.

Council will recall that the Town Council has been promoting a Liskeard Employment Land Demand study to support the provision of employment land to accommodate expanding local businesses and relocating.

RECOMMENDATIONS: That the Town Council supports the Cornwall Council bid to the Government for One Public Estate investment in Liskeard.

That the potential One Public Estate (OPE) projects include the Employment Land and when appropriate Cattle Market site.

13. MEMBERSHIP OF STANDING COMMITTEES OF THE COUNCIL - to approve Councillor Naomi Taylor as serving on the Council's Communications & Engagement Committee, Facilities and Planning Committee.

RECOMMENDATION: That the Council approves Councillor Naomi Taylor as serving on the Council's Communications & Engagement Committee, Facilities and Planning Committee.