

Notice of a meeting of the

Property Review Committee

24th May 2018 at 7.30pm

Northbourne Room, Civic Hall, Didcot



Admission of the public and media

The council welcomes members of the public to its meetings in accordance with the Public Bodies (Admission to Meeting) Act 1960.

Reports and minutes

We add reports and minutes to our website.

Recording, photographs and filming

The press or public may audio-record, photograph or film meetings, or report from the meeting using social media. As such members of the public may be recorded or photographed during the meeting.

We ask that anyone wishing to record or photograph the meeting notifies the Town Clerk before the start of the meeting.

Public participation

The council welcomes the public's involvement in meetings, which must be in accordance with our rules (Standing Order 18-20 on a matter before the Committee).

At the relevant time during the meeting, the Chairman will invite members of the public to present their questions, statements or petitions.

To find out about participation contact the Town Clerk.

Agenda

1. Chairman's opening remarks
2. To receive apologies
3. To receive declarations of interests. Members are reminded to declare any interests they may have on any item on this agenda in accordance with Didcot Town Council's code of conduct
4. To agree the minutes of the meeting held 24th April 2018
5. Questions on the minutes as to the progress of any item
6. To consider a draft Core Documents Pack (report attached)
7. To consider a draft Final Report (draft to follow)
8. To consider the requirement for further meetings



Julie Perrin
Interim Town Clerk
17th May 2018

Voting committee members:

Councillors

Mr N F Harris (Chairman)
Ms C Augustine
Mr S Connel

Mr N Hards
Mr S Hewerdine

Didcot Town Council

Property Review Committee

24th April 2018 at 7.30pm

Didcot Civic Hall



Minutes

Note: These minutes are subject to approval as a true and correct record by the next meeting of this Committee.

Present:

Councillors:

Mr N F Harris (Chairman)
Mr S Connel

Mr S Hewardine

Officer:

Ms J Perrin, Interim Town Clerk

Public participation

None.

520. Chairman's opening remarks

Cllr Mr Harris welcomed everyone to the meeting and thanked those Members present for attending.

521. Apologies

None.

522. Declarations of interests

None.

523. Minutes of the meeting held 12th April 2018

Proposed by Cllr Mr Harris, seconded by Cllr Mr Hewardine it was **RESOLVED** to agree as a correct record the minutes of the meeting held 12th April 2018.

524. Questions on the minutes as to the progress of any item

None.

525. Progressing the review and considering the sub-options

Cllr Mr Harris reminded the Committee of the progress made to date and the terms of reference which required the Committee to recommend a preferred option for the future management of property in which Council has an interest, and which is hired to the public for any form of payment. At previous meetings properties had been considered and the matter disposed of with no recommended action with two exceptions:

- The Ladygrove Community Centre (recommended that the Town Council writes to OCC requesting a review of the management structure) and
- Didcot Civic Hall (recommend that the current Civic Hall management situation should not continue and that a Charity route should be progressed, two sub-options had been identified for consideration).

Cllr Harris reminded Members that the remit of the Committee was to provide a recommendation on the future management structures to the Council by 30th April 2018. No time limit had been applied to any other matters which had arisen during the research carried out by the Committee. These matters may be considered further at future meetings.

a) Consideration of identified Charity sub-options

Cllr Mr Hewardine and Cllr Mr Connel had both submitted their thoughts to the Chairman in respect of the sub-options identified. The Chairman provided a discussion document relating to the two Charity sub-options:

- management by a new Charity formed by the Town Council or
- management by an existing Charity.

In either case a legal document would be required and points to be considered in drawing up such a document were discussed. Proposed by Cllr Mr Harris, seconded by Cllr Mr Hewardine (a recorded vote was requested) it was **RESOLVED to RECOMMEND to COUNCIL** that the following points, applying to either option unless stated otherwise, be considered in formulating any legal documentation:

- The Councils Ethos and Aims for the Civic Halls use.
- The management's terms of reference. These to include: peppercorn rent arrangement, filling casual vacancies, the good neighbour concept and consideration of indemnity for board members (if not a selected charity.) The Council should clearly detail its requirements for its own use of the Civic Hall, meetings and other required use in usual normal circumstances.

- The Civic Hall is to be run on a commercial basis. Council to decide if this is to be varied upon request, (public money is being expended) under Retained Residual Powers, (RRP).
- RRP to enable Council to have final say\power, in extreme\abnormal circumstances, as to the use for which the Civic Hall was to be hired. This is a difficult concept, censorship is abhorrent, but so for example is extremist anti-social political activity and base and lewd pornographic activities. (so is deciding the difference between acceptable and unacceptable in a democratic country).
- Indemnity for damage to building\s, assets and equipment, if this damage is over and above what experience shows is usual. (fair wear and tear).
- Ownership of equipment and disposal of Council Equipment without written permission of the Council
- Stewardship and security of 'pay at the door' events. Minimum staffing requirements?
- No alteration or additions to the building\s of a permanent or semi-permanent nature without written permission of the Council.
- Hire charges to be applied will recognise and implement Council Policy, which will be clarified, on discounted use.
- Liaison meetings with Council, including nominated councillors, to be held at least twice a year.
- Price increases to be advised and justified to Council 6 months before implementation.
- Council under RRP to have right, in circumstances to be agreed, to cap price increases.
- Council at its discretion to give a grant each year to assist with Civic Hall running costs. This grant will not, in normal circumstances, be withheld.
- Accounting and banking to be entirely separate and independent of the Town Council
- Administration including IT, other equipment and employee matters to be entirely separate and independent of the Town Council.
- Employees employment packages (terms and conditions of employment) to be entirely separate. Management structures and changes in personnel (staff) responsibilities or structures to be advised to Council.
- Safeguards to be agreed with Council to avoid problems created by the use of the so termed Illicit economy
- Minimum staff numbers? Should only a single member of staff be in attendance late at night?
- Stipulations as to the Civic Hall's use in emergency situations. (RRP)

The following are more likely to apply only to the Selected Charity Option

- Are the staff to be properly remunerated? (Charity Shops are run by paid and voluntary staff the Council need to address if they wish the use of voluntary staff to be incorporated in the running of the Civic Hall.
- The Council will need to address the matter of whether the Charity selected can run its own affairs from the Civic Hall. The PRC recommend that this would not be appropriate.

Recorded vote:

For	Against
Cllr Connel	
Cllr Harris	
Cllr Hewerdine	

Consideration was given to the two sub-options identified. Proposed by Cllr Mr Herwerdine, seconded by Cllr Mr Connel (a recorded vote was requested) it was **RESOLVED to RECOMMEND to COUNCIL** that a new Charity be formed by the Town Council with a board of Trustees based on nominations and appointment from the Council and users of the Civic Hall.

Recorded vote:

For	Against
Cllr Connel	
Cllr Harris	
Cllr Hewerdine	

Proposed by Cllr Mr Harris, seconded by Cllr Mr Hewerdine it was **RESOLVED** to adjourn the meeting for a period of 10 minutes.

Consideration was given to the structure of a new Charity. Proposed by Cllr Mr Hewerdine, seconded by Cllr Mr Connel (a recorded vote was requested) it was **RESOLVED to RECOMMEND to COUNCIL** that the management of the Civic Hall by a newly formed Charity should be for a defined period of four years. The board should consist of seven members, four nominated by regular users of the Civic Hall (2 from the larger user groups and 2 from the smaller user groups, as identified). The remaining three nominations would be made by the Council, but not necessarily appointing Councillors, using a ballot vote. It was hoped that nominations would reflect cross Council ownership of the new structure.

Recorded vote:

For	Against
Cllr Connel	
Cllr Harris	
Cllr Hewerdine	

b) Operational ethos and objectives

Cllr Harris provided a draft 'Ethos, values and aims' statement which was considered and amended. Proposed by Cllr Mr Harris seconded by Cllr Mr Connel (a recorded vote was requested) it was **RESOLVED to RECOMMEND to COUNCIL** the following basis for an Ethos, values and aims statement for Didcot Civic Hall:

Didcot Town Council is extremely proud of its Civic Hall and wants to do all it can to ensure that all peoples of the Town can be equally proud. The Civic Hall will continue to be a vibrant hub for the community of Didcot. The Council will promote diversity,

equality and good neighbourliness whilst continuing to drive truly excellent provision for the residents of Didcot and other users of the Civic Hall. To this end excellence will be the prime objective in all of Didcot Town Councils actions in respect of its Civic Hall.

Recorded vote:

For	Against
Cllr Connel	
Cllr Harris	
Cllr Hewerdine	

The possible TUPE and other staffing implications arising from a change in management structure were noted.

526. Draft letter to HMRC

Consideration was given to how best to move forward; Cllr Mr Harris reminded the Committee that although a consensus had been reached at a previous meeting no formal decision to make any recommendation to Council had been taken.

Cllr Hewerdine proposed that the Property Review Committee recommend to Council that: The Didcot Town Council should write to Her Majesty’s Revenue and Customs with the intent of clarifying the situation arising from the investigation carried out by one of its former Town Clerks into the management of the Civic Hall and which began in earnest in January 2017. The Property Review Committee, the formation of which arose from an Extraordinary Meeting of the Council held on October 16th 2017, in its investigations considered relevant historical documents, Members written and verbal contributions and other information and advice received from several other sources. These sources included those that were mandatory upon the Committee under its Terms of Reference which the Council agreed for the use and guidance of the Committee. It is further recommended that Council, by whatever effective and constitutional means they feel appropriate prepare the letter to be sent to HMRC in draft form. This drafting process to be informed by the minutes of Property Review Committee meetings, the documentation it considered and other retrievable evidence which came before it. This information to form an appendix to this recommendation. The contents of the draft letter will be considered for approval by the Council at one of its ordinary meetings or at an extraordinary meeting to be called if time pressures prohibit the delay that waiting for an ordinary meeting would cause.

Cllr Mr Connel proposed an amendment that a set of core information documents be provided to all Members with the remaining information being made available to view and/or provided on request. Some discussion followed regarding the documents which should be included within a core information pack. Cllr Mr Hewerdine accepted the amendment, seconded by Cllr Mr Connel (a recorded vote was requested) it was **RESOLVED to RECOMMEND to COUNCIL** that Didcot Town Council should write to Her Majesty’s Revenue and Customs with the intent of clarifying the situation arising from the investigation carried out by one of its former Town Clerks into the management of the Civic Hall and which began in earnest in January 2017. The Property Review Committee, the formation of which arose from an Extraordinary

Meeting of the Council held on October 16th 2017, in its investigations considered relevant historical documents, Members written and verbal contributions and other information and advice received from several other sources. These sources included those that were mandatory upon the Committee under its Terms of Reference which the Council agreed for the use and guidance of the Committee. It is further recommended that Council, by whatever effective and constitutional means they feel appropriate prepare the letter to be sent to HMRC in draft form. This drafting process to be informed by the minutes of Property Review Committee meetings, the documentation it considered and other retrievable evidence which came before it. This information to be provided to all Members of the Council as a core information pack with the remaining information being made available to view and/or provided on request. The contents of the draft letter will be considered for approval by the Council at one of its ordinary meetings or at an extraordinary meeting to be called if time pressures prohibit the delay that waiting for an ordinary meeting would cause.

Recorded vote:

For	Against
Cllr Connel	
Cllr Harris	
Cllr Hewerdine	

Discussion followed regarding how the core set of documents should be compiled. Proposed by Cllr Mr Harris, seconded by Cllr Mr Hewerdine it was **RESOLVED** that the Chairman with the assistance of the Clerk would draft a list based on the discussions held. Absent Members of the Committee were to be invited to indicate any particular documents which they would like to see included.

The Chairman commented that by making all the documents available to all Councillors, those members of the Committee seeking to operate a veto by the vacant chair would have an opportunity to have a say when the matter is considered by Council.

527. Public Consultation

The requirements for a public consultation along with the varying forms that a consultation may take were discussed. Proposed by Cllr Mr Harris, seconded by Cllr Hewerdine (a recorded vote was requested) it was **RESOLVED to RECOMMEND to COUNCIL** that when the Council had made a decision on the future management structure of the Civic Hall an information/consultation Town Meeting should be held for all residents. The meeting would inform interested residents of the changes and the reasons for those changes. Feedback from residents would be encouraged.

Recorded vote:

For	Against
Cllr Connel	
Cllr Harris	
Cllr Hewerdine	

528. Next Meeting

Members considered the need for a further meeting. It was agreed that the Committee had now discharged its obligations ahead of the 30th April 2018 deadline imposed under the terms of reference agreed by Council. The recommendations contained within the minutes would ordinarily be considered at the next meeting of the Council. This being the Mayor Making meeting it was proposed by Cllr Mr Harris, seconded by Cllr Mr Connel (a recorded vote was requested) and **RESOLVED to RECOMMEND to COUNCIL** that recommendations made by the Committee are deferred and considered at the meeting of the Council to be held Monday 4th June 2018.

It was considered that a further meeting of the Committee was to be arranged in order to agree a final report and core documents list with a view to providing this to the June meeting of the Council.

The Chairman thanked those Members attending for their constructive approach to the difficult issues discussed.

The meeting closed at 9:28 pm.

Signed _____ Chairman Date _____

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Property Review Committee

24th May 2018

Report author: Julie Perrin



Core Documents Pack

Introduction

1. This report asks the Committee to consider and agree the material to be included within the core information pack to be provided to all Members of the Council.

Recommendation

2. That the Committee considers the draft core documents index and agree material to be included.

Background

3. Council created the Property Review Committee with the following remit (extract from minutes of the Town Council 16th October 2017):

‘to carry out a comprehensive review of all property in which Council has an interest, and which is hired to the public for any form of payment, including but not limited to the Civic Hall. The Committee will consider both the advice from Wellers Hedleys and the Parkinson Partnership, and all other formal or informal agreements regarding the uses of the properties. It will recommend its preferred management structure for each property to Council no later than 30 April 2018. Matters to be considered by the Committee shall include, but not be limited to, the need for transparency, the availability for public use, the cost to the Council, and the local and national tax implications of both the current interests in the properties, but for the avoidance of doubt shall have no power to bind the Council to any action’.

4. A large volume of information has been provided to all Members of the committee, professional advice has been sought and a range of matters have been discussed at meetings.
5. At the meeting of the Committee held 24th April 2018 it was agreed that a set of core documents previously considered by the Committee should be issued to all Members of the Council. At the same meeting it was agreed that the Chairman with the assistance of the Clerk would draft a list based on the discussions held.

6. Absent Members of the Committee were invited to indicate any particular documents which they would like to see included.
7. At the previous meeting of the Committee (24th April 2018) it was agreed that a further meeting of the Committee would be arranged in order to agree a final report and set of core documents.
8. A draft list of core documents is appended to this report.

Financial Implications

9. There are no financial implications in providing core information to Members.

Legal and Risk Implications

10. There are no legal or risk implications in providing a set of core documents to all Councillors.

Julie Perrin
Interim Town Clerk

CORE INFORMATION LIST

DOCUMENTS	DOCUMENT NUMBER
Civic Hall Management Committee Documents	
Unsigned licence between the Town Council and the Civic Hall Management Committee (1995)	A1
Civic Hall Management Committee Constitution (Dec 2011)	A2
Town Council Minutes	
Annual meeting extracts showing a change of designation to outside body for the Civic Hall Management Committee (2009-2012)	B1
Minutes of the Council meeting held 11 th January 2016	B2
Report to Council 8 th January 2017 (CHMC vacancy)	B3
Report extraordinary meeting 16 th October 2017	B4
Town Council Policies	
Grant Aid Policy	C1
Standing Orders relating to the use of the Council Seal (with legal reference from Arnold Baker)	C2
HMRC Correspondence	
Letter to HMRC (December 2009)	D1
Letter from HMRC (February 2010)	D2
Information provided to HMRC (February 2010)	D3
Letter from HMRC (March 2010)	D4
Civic Hall VAT registration	D5
Professional Advice	
Wellers Headley Solicitors Report (24 th March 2017)	E1
Letter from the Parkinson Partnership (20 th July 2017)	E2
Extract from Chris Rolley report (Section 8, Page 18/19) April 2012	E3
Emails between Andrew Marsden and Dominic Stapleton 10/12/2009, 15/12/2009, 16/12/2009, 17/12/2009, 12/02/2010, 15/02/2010	E4
Committee Members Documents	
Cllr Harris flowchart discussion paper (April 2018)	F1
Cllr Hewerdine Preliminary findings report (3 rd March 2018)	F2
Notes from meeting with Accounts Officer	F3
Notes from meeting with Civic Hall Manager	F4
Civic Hall employee note 2017	F5
Email correspondence Cllr Harris	F6
Email correspondence Cllr Hards	F7

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Property Review Committee

24th May 2018

Report author: Julie Perrin



Final Report of the Committee

Introduction

1. This report asks the Committee to consider and agree a draft final report, the draft to be provided separately by the Chairman of the Committee.

Recommendation

2. That the Committee considers and agrees the draft report (as written or as amended).

Background

3. Council created the Property Review Committee with the following remit (extract from minutes of the Town Council 16th October 2017):

‘to carry out a comprehensive review of all property in which Council has an interest, and which is hired to the public for any form of payment, including but not limited to the Civic Hall. The Committee will consider both the advice from Wellers Hedleys and the Parkinson Partnership, and all other formal or informal agreements regarding the uses of the properties. It will recommend its preferred management structure for each property to Council no later than 30 April 2018. Matters to be considered by the Committee shall include, but not be limited to, the need for transparency, the availability for public use, the cost to the Council, and the local and national tax implications of both the current interests in the properties, but for the avoidance of doubt shall have no power to bind the Council to any action’.

4. A large volume of information has been provided to all Members of the committee, professional advice has been sought and a range of matters have been discussed at meetings.
5. At the previous meeting of the Committee (24th April 2018) it was agreed that a further meeting of the Committee would be arranged in order to agree a final report and set of core documents.
6. The Chairman’s draft final report is to follow.

Financial Implications

7. There are no financial implications in agreeing a final draft report.

Legal and Risk Implications

8. There are no legal or risk implications in providing a draft final report to Council.

Julie Perrin
Interim Town Clerk