

Notice of a meeting of the

Property Review Committee

12th April 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 3rd April 2018
5. Questions on the minutes as to the progress of any item
6. To consider the suspension of Standing Orders 60-71 (rules of debate)
7. Progressing the review and considering the options and sub-options (report attached)
 - a) To consider if there is any outstanding or newly required information
 - b) To consider options for the future management of Didcot Civic Hall and agree a recommendation to Council (options taken from the Parkinson report - not exhaustive):
 - i. Direct management by the Council
 - ii. Management by a Charity on a peppercorn lease
 - iii. Management by a Charity paying rent
 - iv. Management by a commercial entity on a peppercorn lease
 - v. Management by a commercial entity paying rent
 - c) To consider any sub-options existing within the option to be recommended
8. To consider a draft letter to HMRC for recommendation to Council
9. To consider the requirement for further meetings



Julie Perrin
Interim Town Clerk
6th April 2018

Voting committee members:

Councillors

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

Mr N Hards
Mr S Hewerdine



Property Review Committee

3rd 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)
Ms C Augustine
Mr S Connel

Mr N Hards
Mr S Hewerdine

Officer:

Ms J Perrin, Interim Town Clerk

Public participation

None.

480. Chairman's opening remarks

Cllr Mr Harris welcomed everyone to the meeting and spoke of his hopes that the Committee would reach a consensus on as many things as possible before voting, in order that a sound, reasoned report setting out the pros and cons could be provided to Council. Cllr Harris commented that in his opinion this would best be achieved by listening carefully to each other and seeking to reconcile any conflicting points.

481. Apologies

None.

482. Declarations of interests

None.

483. Minutes of the meeting held 8th March 2018

Proposed by Cllr Mr Harris, seconded by Cllr Mr Hewerdine it was

RESOLVED to agree as a correct record the minutes of the meeting held 8th March 2018.

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

None.

485. Progressing the review and considering information received

a) Committee members preliminary summaries

Councillors highlighted the volume of documents circulated and considered, in relation to the management of the Civic Hall and Town Council Offices. There were considerable inconsistencies, differences of opinion and conflicting advice contained within the internal documentation and external opinions received.

Cllr Connel considered that it was the intention of those responsible at the time that the Civic Hall Management Committee (CHMC) should operate independently from the Town Council. However, it was clear that the separation was not always as defined as it could have been. Cllr Connel referred to the advice provided by the Parkinson Partnership which stated there was “no indication that the council has been dishonest or misleading in any way when dealing with HMRC”.

Cllr Hewerdine outlined what he believed to be the important facts, that the 1995 licence did not include the extension to the building and was never signed. The CHMC is made up of only Town Councillors. Advice had been received from more than one source that the existing committee would reasonably be viewed as a Committee of the Town Council. Town Council Annual Meeting minutes record that the CHMC was treated as a committee of the Council until 2012 when it became listed as an external body, subsequently becoming listed as an outside body in 2013. In line with the 1995 (unsigned) licence the Council had not paid the CHMC for room hire, this changed in 2006 when the Town Council allocated a budget for this purpose. In 2009/10 HMRC were advised that the Civic Hall was managed by an independent committee under a licence. Cllr Hewerdine suggested that if the CHMC is viewed as a Committee of the Council the legal framework of the Council should also apply to the CHMC which was not the case.

Cllr Hards emphasised the importance of the separate VAT registration. The advice received from The Parkinson Partnership stated that individuals would realise that if the CHMC was part of the Town Council it would not have a separate VAT registration. Cllr Hards asked Members to have regard for this fact and suggested that excess weight not be applied to the Wellers Headley legal advice, which appeared to contain a number of inaccuracies.

Cllr Augustine referred to the large amount of historic information provided which had not provided a definitive evaluation of the situation, much of the detail was open to interpretation and lacked consistency. Cllr Augustine suggested a pragmatic approach to provide a realistic view of the current situation, determine the best way forward and to provide a considered recommendation to Council.

Cllr Harris asked Members of the Committee to look at every aspect with an open mind, considering the options and implications of each scenario. The balance of controlling a community asset against the cost of doing so. The financial benefits of

the Charity option were considered clear with regard to NNDR and VAT. Cllr Harris agreed that any errors or misleading information provided in the 2009/10 HMRC correspondence should be reported to them and must include all the facts. Cllr Harris indicated that the political proportionality in the CHMC membership and the constitution of the CHMC, which states that a notice from Council may dissolve the Committee, would both be additional indicators that the CHMC was not a separate organisation.

Cllr Hards, Cllr Connel and Cllr Augustine supported a recommendation to Council that an impartial letter be provided to HMRC setting out the factual information and requesting confirmation of their previous advice.

Cllr Hards suggested the management of the Civic Hall by a Charity, under a lease or licence for a period of 4 years, would be the most attractive option. Cllr Connel supported this approach with a view that in the long term the facility should be run directly by the Town Council.

b) Preliminary possible ideas for recommendation as to the purpose, ethos, aims and aspirations of the Civic Hall

- i. Cllr Harris provided paper copies of a discussion paper. It was agreed that this would be discussed at the next meeting of the Committee.

The following agenda items had already been dealt with:

- ii. Points as they apply to all management options
- iii. Points as they apply to any particular management option
- iv. Points not falling into ii & iii above

c) To consider if there is any outstanding or newly required information

Additional information including further comments from the Parkinson Partnership had been circulated to all Members of the Committee and were dealt with at other points within the meeting.

It was noted that at the last meeting Cllr Harris indicated that he was investigating and verifying a very serious matter. He informed the Committee that a combination of circumstances had slowed down the process which was continuing. He went on to say the allegations he had received did not impact on the matters under consideration by the committee.

486. Consideration of progress made in forwarding the review and Committees Terms of Reference

Consensus was reached on the following with formal determination to be reached in due course

- a) The Committee would recommend to Council that a letter be provided to HMRC giving neutrally presented factual information and asking that they consider and confirm their previous advice. A draft to be circulated to all Members of the Committee prior to the next meeting.
- b) Determination would be sought at the next meeting on which management opportunity should be recommended to Council with the consideration of any sub-options within the chosen route.

- c) Following a question it was confirmed that all other properties identified had been considered and dealt with, no further consideration being felt necessary as things stand.

487. Next Meeting

The next meeting of the Committee would be held Thursday 12th April 2018.

The meeting closed at 8:55 pm

Signed _____ Chairman Date _____

Property Review Committee

12th April 2018

Report author: Julie Perrin



Options for the future management of Didcot Civic Hall

Introduction

1. This report asks the Committee to consider the options and any sub-options possible within these options and agree an appropriate recommendation to Council.

Recommendation

2. That the Committee considers the possible options and agrees a recommendation to Council.
3. If appropriate, the Committee considers any sub-options existing within the option to be recommended.

Background

4. 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'.

5. 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.

Financial Implications

6. There are no financial implications in making a recommendation to Council. The financial implications of individual options are to be considered by Members of the Committee in arriving at a recommendation.

Legal Implications

7. The Town Council has enacted The General Power of Competence, a Statutory Power, under the Localism Act 2011, providing local councils with the ability to do anything that an individual can do and encourages innovation to meet the needs of local people. It is a power of first resort.

Risk Implications

8. None in making a recommendation to Council. The risk implications of individual options are to be considered by Members of the Committee in arriving at a recommendation.

Julie Perrin
Interim Town Clerk