

## Notice of a meeting of the

### **Property Review Committee**

24<sup>th</sup> 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 12<sup>th</sup> April 2018
5. Questions on the minutes as to the progress of any item
6. Progressing the review and considering the sub-options (**report attached**)
  - a) to consider the two Charity sub options identified
    - i) management by a new Charity formed by the Town Council
    - ii) management by an existing Charity
  - b) to consider the operational ethos and objectives of a future management structure
7. To formally consider the provision of a letter to HMRC (**report attached**)  
if agreed consider:
  - a) structure of the letter
  - b) factual information for inclusion
8. To consider the requirement for a public consultation (**report attached**)  
if agreed consider:
  - a) elements on which the consultation should be based
  - b) form of consultation
  - c) how the outcome of the consultation will be quantified and used
9. To consider the requirement for further meetings



Julie Perrin  
Interim Town Clerk  
18<sup>th</sup> April 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

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### **Property Review Committee**

12<sup>th</sup> 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 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 indicated that he wished to outline some procedural matters arising from the Committee Terms of Reference, the work to date and that work remaining. Having discussed the matters with the Interim Town Clerk they were considered constitutionally legitimate. Members of the Committee were asked to say if they considered this not to be the case. It was noted that the meeting was being recorded for the purpose of compiling the minutes.

Consideration would be given to suspending Standing Orders to allow for a free ranging informal discussion on the agenda items. Cllr Harris indicated that he had produced a document with the aim of aiding discussion and to help the Committee to reach a consensus in a structured, frank and inclusive manner.

Cllr Harris outlined some matters for consideration and suggested that a public consultation exercise in the form of a Town Meeting should be recommended to Council.

Recommendations from the Committee were due to be considered at the next meeting of the Town Council (Mayor Making) and Cllr Harris suggested that the

Committee may wish to recommend that consideration by Council be deferred to the June meeting or to an extraordinary meeting called for the purpose of considering the Committees recommendations.

#### **481. Apologies**

Cllr Ms Augustine tendered apologies.

#### **482. Declarations of interests**

None.

#### **483. Minutes of the meeting held 3<sup>rd</sup> April 2018**

Proposed by Cllr Mr Harris, seconded by Cllr Mr Hewerdine the minutes of the previous meeting were considered it was

**RESOLVED** to agree as a correct record the minutes of the meeting held 3<sup>rd</sup> April 2018 with two amendments:

The word 'impartial' to be replaced with the word 'neutral' (item 485, page 3, line 9).

The second paragraph on page 3 to read 'Following a suggestion by Cllr Hewerdine; Cllr Hards, Cllr Connel and Cllr Augustine supported a recommendation to Council that a neutral letter be provided to HMRC setting out the factual information and requesting confirmation of their previous advice'

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

Cllr Hewerdine raised a question with regard to minute ref. 485 – Facts are neutral of themselves, however when the use of facts is selective omissions can lead to distortion and obstruction of clarity of intent which none of us want. What selection criteria has been used in progressing this matter to its present preliminary specimen draft letter stage to ensure that there is full and frank disclosure to HMRC? It was agreed that this was to be dealt with as an agenda item later in the meeting and the question would be addressed at that point.

#### **485. Suspension of Standing Orders**

Cllr Harris proposed the suspension of Standing Orders 60-71 (rules of debate) for a maximum period of one hour, to allow a full, frank and open discussion to take place. Seconded by Cllr Hewerdine it was

**RESOLVED** to suspend Standing Orders 60-71 for a maximum period of one hour.

Cllr Hards asked that it be recorded that he had abstained from the vote.

**486. Progressing the review and considering the options and sub-options**

- a) Outstanding or newly required information

No additional information was requested at this time.

- b) Options for the future management of Didcot Civic Hall

Cllr Harris provided a discussion document outlining his views on the independence/dependence of the Civic Hall Management Committee. Concerns were raised that the document had not been provided in advance and insufficient time was available within the meeting for Members to consider the content fully. Some discussion on the content of the document followed with some opposing views being aired.

Cllr Hards left the meeting at 8.20pm

Further discussion took place regarding the definition of the Civic Hall Management Committee as an outside body of the Council, the Constitution document and the 2009/10 correspondence with HMRC.

**An hour had elapsed since the suspension of Standing Orders and Standing Orders were therefore re-introduced at this point in the meeting.**

Proposed by Cllr Harris, seconded by Cllr Hewardine (a recorded vote was requested) it was

**RESOLVED to RECOMMEND to COUNCIL** that, with regard to the Civic Hall, the current situation was untenable and puts the Council in a predicament in which it would not wish to find itself. The present situation should not continue and an acceptable alternative should be put in place as soon as possible.

Recorded vote:

For	Against
Cllr Connel	
Cllr Harris	
Cllr Hewardine	

Proposed by Cllr Harris, seconded by Cllr Hewardine (a recorded vote was requested) it was

**RESOLVED to RECOMMEND to COUNCIL** that a Charity route be progressed for the future management of the Civic Hall.

Recorded vote:

For	Against
Cllr Connel	
Cllr Harris	
Cllr Hewerdine	

c) Sub-options for the future management of Didcot Civic Hall

The Committee considered the options of creating a new Charity or looking to an existing Charity. An appropriate term of any agreement was also discussed. The Chairman provided a discussion document outlining a suggested structure for the creation of a new independent Charity. It was acknowledged that other options were still to be investigated and considered. Members of the Committee having any thoughts were asked to provide details to the Chairman for circulation prior to the next meeting of the Committee.

At 9.10pm a five minute adjournment was taken.

Cllr Hewerdine proposed that the option of two Charity routes be recommended to Council, seconded by Cllr Connel. Cllr Harris proposed an amendment, accepted by both the proposer and the seconder (a recorded vote was requested). It was

**RESOLVED** that the Committee would consider further the possible Charity options identified in order that a preferred option may be recommended to Council.

Recorded vote:

For	Against
Cllr Connel	
Cllr Harris	
Cllr Hewerdine	

### 487. Draft letter to HMRC

Consideration was given to the draft letter prepared by the Interim Town Clerk and circulated prior to the meeting. The question posed by Cllr Hewerdine earlier in the meeting (minute 484.) was addressed. At the time of circulation the Clerk had indicated that the draft was a starting point only and was not intended to be a definitive list of relevant facts. Those items listed were in no particular order and the Committee may not agree to the inclusion of some items and others would undoubtedly be added.

Discussion around a selection criteria for the factual information to be provided followed and it was suggested that having more Members of the Committee present would be useful.

It was agreed that the first items on the agenda after the usual formalities would be 'To consider the two Charity options identified' and 'To consider the factual

information to be included in the letter to HMRC'. Both matters to be recommended to Council.

Cllr Hewerdine provided a VAT validation report showing that the Civic Hall VAT registration was issued in the name 'Didcot Civic Hall Charity/Management Committee'. This along with the anonymised current staffing information was to be circulated to those Members of the Committee not in attendance.

#### **488. Next Meeting**

The next meeting of the Committee would be held Tuesday 24<sup>th</sup> April 2018.

The meeting closed at 9:35 pm.

Signed \_\_\_\_\_ Chairman      Date \_\_\_\_\_

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## **Property Review Committee**

### **24<sup>th</sup> April 2018**

Report author: Julie Perrin



## **Sub-options for the future management of Didcot Civic Hall**

### **Introduction**

1. This report asks the Committee to consider further the sub-options possible within the identified Charity Management Structure previously agreed to provide an appropriate recommendation to Council.

### **Recommendation**

2. That the Committee considers the two identified sub-options existing within the Charity option:
  - i) Management by a new Charity formed by the Town Council
  - ii) Management by an existing Charity
3. That the Committee considers the operational ethos and objectives to be applied to the preferred option.

### **Background**

4. Council created the Property Review Committee with the following remit (extract from minutes of the Town Council 16<sup>th</sup> 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.
6. At a meeting of the Committee held 12<sup>th</sup> April 2018 it was agreed that an acceptable alternative to the current management structure should be put in place as soon as possible and that the Charity option be progressed.

### **Financial Implications**

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

### **Legal Implications**

8. 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**

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

Julie Perrin  
Interim Town Clerk

## Property Review Committee

### 24<sup>th</sup> April 2018

Report author: Julie Perrin



## HMRC Correspondence

### Introduction

1. This report asks the Committee to consider the provision of a letter to HMRC providing factual information regarding Didcot Civic Hall.

### Recommendation

2. That the Committee formally considers providing a letter to HMRC (draft previously circulated) and if agreed consider
  - i) the structure of any letter
  - ii) factual information for inclusion

### Background

3. Council created the Property Review Committee with the following remit (extract from minutes of the Town Council 16<sup>th</sup> 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.

## **Financial Implications**

5. There are no financial implications in making a recommendation to Council. The financial implications of any resulting HMRC requirement have not been established.

## **Legal and Risk Implications**

6. The Value Added Tax Act 1994 regulates UK VAT. Section 33 VAT status allows Town and Parish Councils to recover the VAT they incur on expenditure.
7. There are no risk implication in making a recommendation to Council.

Julie Perrin  
Interim Town Clerk

## Property Review Committee

### 24<sup>th</sup> April 2018

Report author: Julie Perrin



## Public Consultation

### Didcot Civic Hall

#### Introduction

1. This report asks the Committee to consider whether or not to recommend a public consultation be held.

#### Recommendation

2. That the Committee considers the requirement to hold a public consultation and if agreed consider:
  - a) elements on which the consultation should be based
  - b) form of consultation
  - c) how the outcome of the consultation will be quantified and used

#### Background

3. Council created the Property Review Committee with the following remit (extract from minutes of the Town Council 16<sup>th</sup> 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 a meeting of the Committee held 12<sup>th</sup> April 2018 it was suggested that the Committee should consider the need for a public consultation.

### **Financial Implications**

6. There are no financial implications in making a recommendation to Council.

### **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.

Julie Perrin  
Interim Town Clerk