

## **CESHAM TOWN COUNCIL**

### **Minutes of the meeting of the TOWN COUNCIL**

held on Monday 18<sup>th</sup> June 2018

**PRESENT** Councillor Mrs J. E. MacBean – Town Mayor (presiding)

Councillor	A.K. Bacon	Councillor	P. J. Hudson
"	M.Z. Bhatti MBE	"	Mrs D. M. Varley
"	Q. Chaudhry	"	R.C. McCulloch
"	Miss E. A. Culverhouse	"	N. T. Southworth
"	A.W. Franks	"	P.W. Yerrell
"	M. Fayyaz		

**Officers:** Mr W. Richards - Town Clerk  
Mr S. Pearson – Finance and Contracts Manager.

Apologies for absence were received from Councillors N.L. Brown, D. MacBean, M. W. Shaw, N. Varley, B.R. Whitfield, S.P. Willmoth and F.S. Wilson.

#### 15. **MINUTES**

It was

#### **RESOLVED**

that the Minutes of the Annual Meeting of the Council held on the 21<sup>st</sup> May 2018 be confirmed and signed by the Town Mayor as a true record.

#### 16. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest that were brought to the Mayor's notice.

#### 17. **PUBLIC QUESTION TIME**

There were no questions which were brought to the Mayor's notice.

#### 18. **MAYORAL ENGAGEMENTS AND ANNOUNCEMENTS**

Members had before them and duly noted the list of the Town Mayor's engagements from 22<sup>nd</sup> May – 18<sup>th</sup> June 2018.

#### 19. **REVISION TO MEMBERSHIP OF RECREATION AND ARTS COMMITTEE**

The Mayor referred the Council to the previous Recreation and Arts Committee where Councillor McCulloch had expressed an interest in becoming Vice Chairman of the Committee even though he was not a Member.

Members agreed Councillor McCulloch would be a worthy member of the Recreation and Arts Committee and it was

**RESOLVED**

that the Recreation and Arts Committee membership be increased to 10 and Councillor McCulloch be appointed to it.

*Note: Councillors Chaudhry, McCulloch and Mrs Varley arrived at the meeting at 7.38pm*

20. **PLANNING COMMITTEE**

It was moved by Councillor P.J. Hudson and seconded by Councillor Miss E.A. Culverhouse and

**RESOLVED**

that the Minutes of the meeting of the Planning Committee held on 11<sup>th</sup> June 2018, be received and approved.

21. **RECREATION AND ARTS COMMITTEE**

It was moved by Councillor Mrs J.E. MacBean and seconded by Councillor N.T. Southworth and

**RESOLVED**

that the Minutes and recommendations of the meeting of the Recreation and Arts Committee held on 11<sup>th</sup> June 2018, be received, approved and adopted.

22. **REVIEW OF VAT STATUS**

The Council considered the report from the Finance and Contracts Manager in respect to the current VAT position of the Council and the various future options open to the Council.

The report highlighted that there are a number of options open to the Council namely: Exempting the Gym and Swim Centre income and putting in a backdated leisure claim following a new court ruling earlier this year; exempting cultural events at the Elgiva Theatre and revoking the option to tax on the Elgiva Theatre and/or the Town Hall following the 20 year rule which ended in May of this year.

The Clerk emphasised that the consultant hired to advise on these matters was of the view that options arising from the Elgiva and Town Hall needed more in-depth consideration, particularly the former with its income split agreements with promoters, but recommended exempting the Gym and Swim Centre income. Other Members however opined that it would be wise to defer this until it was given further scrutiny and until it was more apparent as to whether potential significant capital works at both the

Gym and Swim Centre and the Elgiva would take place. The Finance and Contracts Manager highlighted that a defraying of a decision on this would result in a loss of potential income as first quarter returns needed to be submitted by the end of the month but the Council was unanimous that, with such a large and long-term commitment, it was essential all known facts and figures were in place first.

It was therefore proposed by Councillor Bacon and seconded by Councillor McCulloch that: *'An application to HMRC to seek VAT exemption on any income be not submitted until further scrutiny had been undertaken by the next Finance Committee scheduled for the 23<sup>rd</sup> July'*.

This was **CARRIED** unanimously and it was therefore

**RESOLVED**

that an application to HMRC to seek VAT exemption on any income be not submitted until further scrutiny had been undertaken by the next Finance Committee scheduled for the 23<sup>rd</sup> July.

23. **FINANCIAL RISK ASSESSMENT**

It was noted that officers had previously drawn up a Financial and Cash Handling Risk Assessment which, while scrutinised by members of the former Finance Working Group, had never formally been adopted by Council. Accordingly the Council was requested to adopt it at this meeting.

It was agreed that the document be adopted, save for the addition of the word 'BACS' in addition to 'all cheques to be signed by at least one authorised Member...' on page two.

It was

**RESOLVED**

that the Financial and Cash Handling Risk Assessment, as amended, be adopted.

24. **ANNUAL RETURN 2017/18**

The Statutory Annual Return for 2017/18 was presented to the Council. Members were reminded that these needed to be agreed legally by the Council before the end of June.

Having noted that both the Internal Auditor and the Council's Accountant had suggested it would not necessarily be considered good practice to accrue possible backdated VAT exemption monies, it was duly

**RESOLVED**

1. The Annual Governance & Accountability Return and the Financial Statements as presented be noted and that both be adjusted to take account

of the removal of the £70,000 VAT backdated claim and that any benefit be taken in the 2018/19 accounts.

2. That, in respect to the Annual Governance Questions numbered 1 to 9 on Section 1 page 4 of the Annual Return the Council responds in the affirmative, except for number 9 which is 'not applicable' and that it is then signed by the Chairman presiding at this Council meeting and the Town Clerk.
3. That the Accounting Statement as shown in Section 2 on page 5 of the Annual Governance & Accountability Return - Annual Return Financial Statements be considered, approved and signed by the Chairman presiding at this Council meeting.

25. **ANNUAL PERFORMANCE REVIEW**

The Annual Performance Plan for 2017/18 was considered by Members.

Members thanked the officers for their work involved producing this document. Councillor Yerrell particularly commended the Gym and Swim Centre team for increasing attendance figures all round in a very challenging year.

Councillor Yerrell also queried as to where the plan was disseminated. The Clerk advised that, in accordance with the Council's Environmental Policy, it was widely advertised on-line and through social media outlets to be viewed electronically but hard copies were available upon request.

It was

**RESOLVED**

that the 2017/18 Annual Performance Plan be approved and adopted.

26. **TOWN SURVEY OF COUNCIL SERVICES**

The Mayor reminded Members that the Council was due to undertake another 5 year survey this year to allow taxpayers to comment on its services and value for money.

It was agreed that this should be undertaken and

**RESOLVED**

that the Council agrees in principle to commission a residents survey for 2018.

27. **INFORMATION TECHNOLOGY POLICY**

Members had no comments to make on the revised Information Technology policy and procedure and it was

**RESOLVED**

that the revised policy be adopted.

28. **RECORD MANAGEMENT POLICY AND RECORDS RETENTION SCHEDULE**

Members had no comments to make on the presented Record Management policy and Records Retention Schedule and it was

**RESOLVED**

that the policy and schedule, as presented, be adopted

29. **DATA PROTECTION UPDATE**

The Council considered the report from the Policy and Projects Officer on recent changes to Data Protection legislation. It was noted that officers had previously been advised that town and parish councils would be required to appoint a Data Protection Officer (DPO) under GDPR. As a result, this was included within its Data Protection policy. However in May, officers were notified that a government amendment to the Data Protection Bill had been accepted which exempted all town and parish councils from the requirement to appoint a DPO. Members were informed that the Data Protection Act 2018 had received Royal Assent and its main provisions commenced on the 25<sup>th</sup> May 2018. Accordingly therefore officers were recommending appointing an external 'Data Officer' instead who will oversee data protection issues.

Members agreed that an appointment of an external Data Officer was appropriate to provide the level of support needed for a large town council such as Chesham's and it was duly

**RESOLVED**

1. That an external Data Officer be appointed.
2. That the amended Data Protection Policy is adopted to reflect the appointment of the Data Officer.

*Note: Councillor Miss Culverhouse left the meeting at 8.00pm*

30. **PAYMENTS NO. 1**

Following consideration of Payments Sheet No. 1, it was

**RESOLVED**

that Payments Sheet No. 1 in the grand total of £178,704.91 be approved and the various payments and transactions set out therein be confirmed.

31. **EXCLUSION OF PUBLIC AND THE PRESS**

It was moved by the Chairman and

**RESOLVED**

that the public and the Press be excluded from the following item in accordance with the Public Bodies (Access to Meetings) Act 1960, as matters which are considered to be confidential are about to be discussed.

32. **POSSIBLE EXTENSION TO THE GYM AND SWIM CENTRE**

The Mayor advised that the question of commissioning consultants to provide business plans to supplement the possible capital building works for the Gym and Swim Centre and the Elgiva had previously been discussed at the last Recreation and Arts Committee but had referred to this Council for a decision. She noted that there had been concerns raised from some Members that the respective Centre Managers were not entirely in favour of the drawings but she referred the Council to the submitted comments from both the Gym and Swim Manager and Elgiva Manager which she hoped allayed any such fears.

Members were happy in light of this to proceed but Councillor Bacon suggested that the tender document should allude to the need for the business plan(s) to make reference to CIPFA's Prudential Code for Capital Finance in Local Authorities and also to be robustly audited by the internal auditor if necessary. The Council agreed that the business plans would need rigorous scrutiny and requested that officers make provision for this going forward.

Accordingly it was

**RESOLVED**

that the concept of commissioning consultants to undertake Business Plans for the possible extensions and the tenders and final costs be agreed and final costs be delegated to the Elgiva Extension Working Group and the Gym and Swim Working Group for determination.

24. **CLOSE OF MEETING**

The meeting closed at 8.10pm.

CHAIRMAN

*Publication Date: 22.6.18.*