



FARNHAM TOWN COUNCIL

Agenda Annual Meeting of Full Council

Time and date

Thursday 16th May, 2019 at 7.00 pm

Place

Council Chamber, South Street, Farnham

To ALL MEMBERS OF THE COUNCIL

Dear Councillor

You are hereby summoned to attend a Meeting of **FARNHAM TOWN COUNCIL** to be held on **Thursday 16th May, 2019, at, 7.00 pm** in the Council Chamber. The Agenda for the meeting is attached.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Iain Lynch'.

Iain Lynch
Town Clerk

Members' Apologies

Members are requested to submit their apologies and any Declarations of Interest on the relevant form attached to this agenda to customer.services@farnham.gov.uk by 5pm on the day before the meeting.

Recording of Council Meetings

This meeting is digitally recorded and retained until the minutes are signed.

Questions by the Public

Prior to the commencement of the meeting, the Town Mayor will invite Members of the Public present to ask questions on any Local Government matter, not included on the agenda, to which an answer will be given or if necessary a written reply will follow or the questioner will be informed of the appropriate contact details. A maximum of 15 minutes will be allowed for the whole session.

Members of the Public are welcome and have a right to attend this Meeting. Please note that there is a maximum capacity of 30 in the public gallery



FARNHAM TOWN COUNCIL

Disclosure of Interests Form

Notification by a Member of a disclosable pecuniary interest in a matter under consideration at a meeting (Localism Act 2011).

Please use the form below to state in which Agenda Items you have an interest.

If you have a disclosable pecuniary or other interest in an item, please indicate whether you wish to speak (refer to Farnham Town Council's Code of Conduct for details)

As required by the Localism Act 2011, I hereby declare, that I have a disclosable pecuniary or personal interest in the following matter(s).

FULL COUNCIL: 16 May 2019

Name of Councillor

	Nature of interest (please tick/state as appropriate)		
Agenda Item No	I am a Waverley Borough Councillor/Surrey County Councillor*	Other	Type of interest (disclosable pecuniary or Other) and reason

* Delete as appropriate



FARNHAM TOWN COUNCIL

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Time and date

Thursday 16th May, 2019 at 7.00 pm

Place

Council Chamber, South Street, Farnham

Prayers

Prior to the meeting prayers will be said in the Council Chamber by Rev'd Michael Hopkins - The Spire Church (URC). Councillors and members of the public are welcome to attend.

1 Election of the Town Mayor

To appoint Cllr David Attfield as the Town Mayor and extend his term of office until the meeting of Council on 27 June 2019.

2 The Town Mayor to make the Declaration of Acceptance of Office

To receive the Mayor's Declaration of Acceptance of Office.

3 Apologies

To receive apologies for absence.

4 Minutes

(Pages 5 - 10)

To agree the minutes of the meeting held on 18th April 2019 (Appendix A).

5 Disclosures of Interest

To receive from members, in respect of any items included on the agenda for this meeting, disclosure of any disclosable pecuniary or other interests, or of any gifts and hospitality, in line with the Town Council's Code of Conduct.

NOTES:

- (i) *The following councillors have made a general non-pecuniary interest declaration in relation to being councillors of Waverley Borough Council: Cllrs Beaman, Blishen, Cockburn, Dickson, Edmonds, Gray, Hesse, Macleod, Martin, Merryweather, Mirylees, Neale, and Ward.*
- (ii) *The following councillor has made a general non-pecuniary interest declaration in relation to him being a councillor of Surrey County Council: Cllr Macleod.*
- (iii) *Members are requested to make declarations of interest, on the form attached, to be returned to customer.services@farnham.gov.uk by 5pm on the day before the meeting.*

Members are reminded that if they declare a pecuniary interest they must leave before any debate starts unless dispensation has been obtained.

6 Election of Deputy Town Mayor

To appoint Cllr Paula Dunsmore as the Deputy Town Mayor and extend her term of office until the meeting of Council on 27 June 2019.

7 The Deputy Town Mayor to make the Declaration of Acceptance of Office

To receive the Deputy Town Mayor's Declaration of Acceptance of Office.

8 Appointment of a Leader/Spokesperson for the Council

In accordance with Standing Order 4.1, a Leader or Spokesperson for the Council can be appointed at the Annual Council Meeting but if no appointment is made, the role of Spokesperson for the Council will be undertaken by the Lead Member of the Strategy and Finance Working Group.

9 Power of General Competence (Pages 11 - 12)

To resolve to readopt the Power of General Competence. Farnham Town Council meets the eligibility criteria as i) all councillors hold office as a result of being declared elected (as opposed to being appointed or co-opted); ii) the clerk is suitably qualified (holding the Certificate in Local Council Administration -CILCA) and iii) the clerk has completed the relevant training in the exercise of the power (Appendix B).

10 Banking Mandate (Pages 13 - 14)

To approve a new bank mandate for the Council's accounts with HSBC and for the Council acting as Trustee of the Farnham South Street Trust (Appendix C).

11 Date of next Meeting of Council

To note that the date of the next meeting will be on Thursday 23rd May at 7.00pm.

The Town Mayor will close the meeting and invite Members and invited guests to stay for light refreshments.

Council Membership:

Councillors: Attfield (Mayor), Dunsmore (Deputy Mayor), Beaman, Blishen, Cockburn, Dickson, Earwaker, Edmonds, Evans, Fraser, Gray, Hesse, Macleod, Martin, Merryweather, Mirylees, Neale and Ward

Note: The person to contact about this agenda and documents is Town Clerk .



FARNHAM TOWN COUNCIL

A

Minutes Council

Time and date

7.00pm on Thursday 18th April 2019

Place

The Council Chamber, South Street, Farnham

Councillors

- * David Attfield (Mayor of Farnham)
- * Paula Dunsmore (Deputy Mayor)
- * David Beaman
- * Carole Cockburn
- * John Scotty Fraser
- * Simon Foale
- * Pat Frost
- A George Hesse
- * Jill Hargreaves
- * Stephen Hill
- A Mike Hodge
- * Mike Hyman
- * Andy Macleod
- * Kika Mirylees (from agenda Item 8)
- A Julia Potts
- * Susan Redfern
- Jeremy Ricketts
- * John Ward

- * Present
- A Apologies for absence

Officers Present:

Iain Lynch (Town Clerk)
Iain McCready (Business and Facilities Manager)
Andrea Mann (Assistant Town Clerk)

There were no members of the public and one member of the press in attendance.

Prayers.

Prior to the meeting prayers were said by Pastor Michael Hall, of the Farnham Pentecostal Church.

- C169/18 **Apologies for Absence**
Apologies were received from Cllrs George Hesse, Mike Hodge and Julia Potts.
- C170/18 **Declarations of interests**
In addition to the standard declarations of personal interest by councillors and by those who were dual or triple hatted by virtue of being elected to Waverley Borough Council or Surrey County Council, there were no further declarations.
- C171/18 **Minutes**
The Minutes of the Farnham Town Council Meeting held on 7th March 2019 were agreed, to be signed by the Mayor as a correct record. (Appendix A on the agenda).
- C172/18 **Questions and Statements by the Public**
There were no questions or statements from members of the public.
- C173/18 **Town Mayor's Announcements**
The Mayor informed Members that it had been another busy month, attending some 12 events. Highlights included:
- Attending a production of Grease at Heath End School.
- Hosting a visit from students from Andernach in Germany, Farnham's twin town.
- Attending the Farnham Walking Festival launch. The Mayor encouraged other Members to take part in the fortnight Festival.
- Attending 'Farnham's Got Talent' at Weydon School, commenting on the wealth of talent in the community.
- Opening the Farnham Beerex.
- Attending the Classic & Vintage Car Show in aid of Phyllis Tuckwell Hospice which was very well attended.
- The Mayor looked forward to further events scheduled before the end of his Mayoral term.
- C174/18 **Questions by Members**
There were no questions by members in accordance with Standing Order 9.

Part I – Items for Decision

- C175/18 **Tourism and Events Working Group Notes**
Cllr Jill Hargreaves introduced the notes of the Tourism and Events Working Group notes held on 12th March 2019 (Appendix B). The meeting was a short meeting as the majority of work for the forthcoming events had been agreed and actioned. Cllr Hargreaves highlighted
- i) the Bush Hotel's new owners interest in continuing to be involved in the Christmas Market and the Food Festival;
 - ii) overall sponsorship was not as high as forecast, believed to be due to uncertain times for businesses, but there were no current concerns.
- Cllr Hargreaves thanked the Tourism and Events team including every councillor for their hard work over the past four years which had received many positive comments from the community. A special thank you was given to Cllr Carole Cockburn who had attended most events and the Town Clerk and his staff who worked well together in all weathers.

C176/18

Community and Enhancement Working Group Notes

Cllr Stephen Hill introduced the notes of the Community and Enhancement meeting held on 13th March 2019 (Appendix C). There were no items for recommendation. Cllr Hill thanked the organisers and Officers of the Gardeners' Question Time which had been an excellent event.

Cllr Hill was pleased to report progress on the matter of the bins by Boots Opticians (Community & Enhancement Working Group Notes item 7). The Bush Hotel had agreed to accommodate the bins with a target installation date of July once some preparatory work around the area was complete.

Cllr Cockburn updated Council on a recent site inspection with Surrey County Council Highways to look at the state of the railings and street furniture in the town. The visit had been positive, in that Surrey County Council had identified a number of railings which could be removed. Should railings remain, high quality railings were preferred. Cllr Cockburn encouraged other Members to support the general tidying up of areas by painting railings in their own areas.

Cllr Hill thanked Farnham Town Council Officers and community helpers who helped to make the town more attractive.

C177/18

Strategy and Finance Working Group Notes

Cllr Cockburn introduced the notes from the Strategy and Finance Working Group meeting held on 9th April 2019 (Appendix D) – the financial elements of which would be covered later in the agenda.

C178/18

Neighbourhood Plan Review

- i) Cllr Cockburn updated Members on the Neighbourhood Plan Review explaining that a lot of time and passion had been put into the work. Waverley Borough Council was in full support of Farnham Town Council's view that the changes were non-material. The Review was with an independent examiner but no update was available at the time of the meeting.
- ii) Cllr Cockburn advised Members that the Hanson Farnham quarry site has to be put up for sale and proposed that the Town Clerk be delegated the task of pursuing conversations with the land owner with a view of transferring the land to Farnham Town Council. Cllr Pat Frost seconded the proposal and ALL Members AGREED.
- iii) Since the review was submitted, land east of Farnham Park had been put forward as a potential SANG and the southern part of the site was subject to a pending change of use application. A meeting had taken place between Farnham Town Council, the land owners and their planning advisor where Farnham Town Council had indicated support for the site as a SANG.
- iv) The land owner's planning advisor suggested that the whole site was appropriate as a SANG, a view supported by Cllr Cockburn who suggested that this would result in a good solution for everyone by creating a green lung across the town.

Cllr Cockburn proposed that the Town Clerk progress a statement of common ground with the planning agent for land east of Farnham Park supporting the entire site as a SANG. The proposal was seconded by Cllr John "Scotty" Fraser and ALL Members AGREED.

- v) Cllr Frost notified Members of the Waverley Arms change of use to a nursery which had been granted at appeal by an unelected inspector even though it was unsuitable. Cllr Frost asked for continued lobbying from Farnham Town Council to achieve Localism. Cllr Cockburn supported the comment and asked for lobbying of Localism to continue. Meetings had already taken place with the Leader of Waverley and the Head of Planning at MHCLG on the national organisation of Localism and Neighbourhood plans so that decisions could not be easily overturned during an appeal process.

Cllr Andy Macleod supported the comments and informed Members that Sofia Lovelle, Resident Associations Group and raised the same matters with Steve Quartermain, Chief Planner.

Cllr Simon Foale supported the comments, asked for better support from Surrey County Council Highways and asked whether this was another area the Council should be lobbying?

C179/18 **Review of Council Policies**

Cllr Cockburn introduced a series of Policies that were recommended for adoption attached at Appendix D to the agenda.

It was RESOLVED *nem con* that the following revised policies be adopted:

- i) **Members' Code of Conduct (Annex Di)**
- ii) **Complaints Procedure (Annex Dii)**
- iii) **Freedom of Information & Publications Policy (Annex Diii)**
- iv) **Documents Retentions and Disposal Policy (Annex Div)**
- v) **Code of Corporate Governance 2019 (Annex Dv)**
- vi) **Town Clerk Scheme of Delegation (Annex Dvi)**
- vii) **Member Officer Protocol (Annex Dvii)**
- viii) **Co-option Policy (Annex Dviii)**

Cllr Cockburn concluded by thanking all Members and Staff for their work over the past four years.

Cllr Kika Mirylees joined the meeting.

C180/18 **Year End Accounts**

Cllr Cockburn introduced the year end accounts which had been carefully considered by the Strategy & Finance Working Group and were welcomed as much simplified and easier to follow. She thanked the Town Clerk and team for their preparation.

It was RESOLVED unanimously that:

- i) **The Financial Statements for 2018/19 and earmarked reserves at 31st March 2019 be approved (Appendix E)**
- ii) **The Summary 2018/19 Income and Expenditure Outturn be approved (Appendix F).**
- iii) **The final Internal Auditor's Report for the Year Ended 31 March 2019 be welcomed (Appendix G), noting that the final confirmed balances on investment had been received and included in the accounts.**
- iv) **The Annual Governance Statement (Section I of Annual Governance and Accountability Return) be approved (Appendix H).**
- v) **The variances list between the 2017/18 and 2018/19 Annual Returns as required be approved (Appendix I).**

- vi) **The Annual Governance and Accountability Return for the Year Ended 31 March 2019 be approved for signature and submission to the External Auditor (Appendix J).**

C181/18 Terms of Reference

Cllr Cockburn introduced the terms of reference for working groups, task groups and panels which go alongside the Standing Orders, advising Council that the periodic review was good practice ahead of the new Council term.

It was RESOLVED *nem con* to approve the revised Working Group Terms of Reference (Appendix K).

C182/18 Planning and Licensing Applications

Cllr Mike Hyman introduced the notes of the Planning and Licensing Consultative Group Meetings held on 18th March (Appendix L), 1st April (Appendix M) and 15th April 2019 (Appendix N).

- i) The meeting held on 18th March had considered 30 applications with 4 objections, the most significant being;
- a proposal for 2 dwellings with vehicular access at the rear of Brambleton Avenue which was not in accordance with the Farnham Neighbourhood Plan or Farnham Design Statement.
 - a proposal for erection of extensions and alternations on a property in Wellington Lane which was not in line with the Farnham Neighbourhood Plan.
- ii) The meeting had also looked at the consultation on the East Hampshire Draft Local Plan. The meeting held on 1st April had considered 23 applications and raised 9 objections. The meeting had also supported a proposal to house a defibrillator in a redundant BT phone kiosk. The meeting held on 15th April had considered 36 applications and raised 9 objections, the most significant being overdevelopment of a sensitive site in West Street and an application to display 16 non illuminated signs at the Grovebell Industrial Estate including PVC banners. The latter were unacceptable.
- iii) Cllr Hyman informed Members that Farnham Town Council's road name suggestion "Old Knowle Square" had not been accepted by the developer and St Swithun's and Swithunside were offered as alternatives.

Cll Hyman, who was stepping down from the Council, was thanked for his work as head Member of the Planning and Licensing Working Group.

C183/18 Calendar of Meetings

The draft calendar of meetings was presented and noted. The Town Clerk informed Members that the Planning and Licensing meeting scheduled on 13th May would be covered by the Town Clerk's scheme of delegation. Any returned Councillors would be consulted and the decisions would be presented to all Councillors at the next meeting.

Part 2 – Items to Note

- C184/18 **Actions taken under the scheme of delegation**
The Town Clerk reported that work to install air conditioning in the Council Chamber was complete. An HR Panel had been held and a recruitment process was underway for a new Events Manager – an announcement would be made at the following meeting.
- C185/18 **Reports from other Councils**
i) Cllr Cockburn raised an issue with the state of Dene Lane, an unadopted road in The Bourne. The lane was considered to be different from other unadopted roads as it was used by members of the public as an access road to a Waverley playground and other community facilities. Discussions had already taken place with Waverley Borough Council and Surrey County Council and Cllr Cockburn asked Farnham Town Council to continue discussions.
The Town Clerk advised that it was unlikely to be eligible for CIL expenditure but the issue could be raised by the Council.

Cllr Beaman commented on the number of rough sleepers in the town and referred to a Waverley Borough Council response suggesting that some street begging was not from genuine homelessness. Cllr Beaman urged people to resist giving money.
- C186/18 **Reports from outside bodies**
No reports were made.
- C187/18 **Date of next meeting**
Members noted that the next meeting was the Annual Council meeting on Thursday 16th May.

Part 3 – Confidential Items

- C188/18 There were no confidential items.
- C189/18 The Mayor thanked everyone for their hard work over the year and over the 4 year term, giving a special thank you to Cllr Cockburn for her dedication and hard work as Leader and, specifically, leading on the Neighbourhood Plan work.
The Mayor wished all retiring Councillors the best for the future, encouraging them to call into community events and looked forward to “getting on” with Council work with any re-elected Councillors.

The Mayor closed the meeting at 8.12pm.

FARNHAM TOWN COUNCIL



B

Report to Council

Time and date: 16th May 2019

Adoption of Power of General Competence

1. Local authorities, including town and parish councils, are creatures of statute and so can only do what they are allowed to do by statute. This means that before undertaking any activity, members must be satisfied that the town council has the power under some statute to undertake the activity. Town and Parish councils have many specific powers, for example to provide open spaces and recreational facilities, and there is also the general power in section 137 Local Government Act 1972 to spend up to a certain limit for 'purposes not otherwise authorised'.
2. In the Localism Act 2011, the Government included a 'general power of competence' with the intention that local authorities would no longer have to identify a specific power, and that the risk of challenge would be further reduced.
4. The general power of competence is the 'power to do anything that individuals generally may do'. It is specifically stated that this includes things that are unlike anything else the local authority does, or unlike anything that other public bodies do. The authority can use the general power of competence inside or outside the town/parish area and it need not show that the action benefits the authority or its area or its residents. There is no limit on expenditure under the general power of competence. The general power of competence has replaced the power of well-being, which is no longer available to local authorities in England.
5. The only real limitation is that the general power of competence cannot be used to get round a restriction or limitation in an existing specific power – they will still remain. The general power cannot be used, for example, to pay allowances to members because there is already specific legislation restricting what allowances may be paid. The general power cannot be used where the primary purpose of an activity is to raise money but it could be used to invest (subject to government guidance) in a company or a co-operative society where there may be an investment return. Governance requirements and other legislation (eg employment, health and safety etc) still apply.
6. The Government has not given any guidance on what sort of activities might be undertaken under the general power but some examples could be:
 - Running a community shop or post office;
 - Investing in a local co-operative society;

- Setting up a company to provide a service such as a bus service;
 - Cutting highways verges but this would need permission from the Highways Authority;
 - Providing a grant to an individual, e.g. an Olympic or Paralympic athlete.
7. The General Power is available automatically to principal councils but only to 'eligible' parish councils. The conditions for eligibility are:
- The parish council must pass a resolution stating that it is eligible to use the general power;
 - When the council passes the resolution at least two thirds of the membership of the council must have been elected (i.e. not co-opted);
 - The clerk must hold the Certificate in Local Council Administration (the recognised qualification for clerks) and must also pass the new 2012 CiLCA module on the use of the general power.
8. Eligibility lasts until the annual meeting of the council immediately after the next ordinary elections (i.e. May 2019) but can be renewed at that meeting provided the conditions are still met. Parish councils which are eligible to use the general power are no longer need to keep a separate record of any section 137 expenditure.
9. Farnham Town Council satisfies all the conditions as:
- All 18 councillors were elected at the election in May 2019;
 - The Clerk holds CiLCA;
 - The Clerk has passed the 2012 CiLCA module on the Power of General Competence

Recommendation:

It is recommended that Council confirms that it is eligible to use the general power of competence and re-adopts the general power of competence as a power of first resort.



Banking Mandate 2019

Introduction

Council is recommended to approve the following new Mandate for the Council's main bank account with HSBC and the account of the Farnham School of Science and Art (also known as the Farnham South Street Trust).

In accordance with Standing Orders, any two signatories should approve payments up to £10,000 and any three signatories approve payments over £10,000.

The Council has asked all Councillors that are content to be signatories to sign the mandate which will then last for the term of the Council. The Town Clerk is not an authorising signatory but is also added to the lists in order to be able to administer the accounts, manage the electronic banking arrangements through HSBCnet and discuss administrative and financial matters with the bank.

The Town Clerk manages the investments on behalf of the Council in accordance with the Scheme of delegation, Standing Orders and Financial Regulations and with all repayments from moneymarkets or investments being required to be returned to the Council's main bank account with HSBC.

New Mandate

Farnham Town Council (the 'Council')

- 1 The Council requests you to **continue*** account(s) in its name.
- 2 We set out below a certified copy of the resolution of the Council, and, overleaf, a list of persons authorised to sign, with specimen signatures.
- 3 We certify that the following resolutions were passed at a meeting of the Council held on **9th May 2019** and have been duly entered in the minute book of the Council.
 - "(i) That a bank account or accounts be continued* with HSBC UK Bank plc (the 'Bank') and the Bank is authorised to:
 - a) pay all cheques and act on other instructions for payment signed on behalf of the Council **by any two signatories from the list for amounts up to £10,000 and any three signatories for amounts over £10,000** (the 'signatory'), whether any account of the Council is in debit or credit;
 - b) deliver any item held on behalf of the Council by the Bank in safe keeping against the written receipt or instructions of **the Town Clerk**; and
 - c) accept # **the Town Clerk** as fully empowered to act on behalf of the Council in any other transaction with the Bank.

- d) accept # the **Town Clerk** as fully empowered on behalf of the Council to enter into at any time(s) any agreement(s) for or relating to electronic and/or telephone banking services of any kind whatsoever ("Services"), and to delegate (including the power to sub delegate) the operation of the Services as set out in the terms and conditions governing the Services and the Council acknowledges that the Bank shall be entitled to act upon all instructions received in respect of the Services until notified otherwise in writing by the Council.
 - (ii) That the Council agrees that any debt incurred to the Bank under this authority shall in the absence of written agreement with the Bank to the contrary be repayable on demand.
 - (iii) That the # **Town Clerk** (the 'Proper Officer') is authorised to supply the Bank as and when necessary with lists of persons authorised to sign, give receipts and act on behalf of the Council, and that the Bank may rely upon such lists.
 - (iv) That these resolutions be communicated to the Bank and remain in force until changed by a resolution of the Council and a copy, certified by the ~~Chief Executive~~ **Mayor** and the **Proper Officer**, is received by the Bank".
- 4 That the Council accepts the account(s) and banking relationship with the Bank will be governed by and subject to the Business Banking Terms and Conditions (a copy of which has been provided) as amended from time to time together with any terms and conditions in respect of specific products and services requested by the Council from time to time.