



HYTHE AND DIBDEN PARISH COUNCIL

The Grove, 25 St. John's Street, Hythe, Hampshire SO45 6BZ

Serving the communities of Dibden, Dibden Purlieu and Hythe

To:
All Members of the Council
District and County Councillors for the Parish

4th May, 2017

Members of the Council

You are hereby summoned to attend the Extraordinary Meeting of the Council to be held in The Council Chamber, The Grove, 25 St Johns Street, Hythe, SO45 6BZ on Wednesday 10th May, 2017 at 7.45 pm.

Yours faithfully

Stephanie Bennett

Clerk to the Council

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST AND DISPENSATIONS**
 - a. To note any declaration of interest made by Members in connection with an Agenda item. Members to specify the nature of the interest;
 - b. To receive any written requests for dispensations for disclosable pecuniary interests;
 - c. To grant any requests for dispensation as appropriate
3. **MINUTES**

To consider and confirm the Minutes of the Meeting of the Council held on 26th April, 2017
4. **CHAIRMAN'S ANNOUNCEMENTS**

3 - 10

5. **PUBLIC FORUM**
 - a. Clerk to notify of any written questions submitted by electors attending the meeting
 - b. Elector addresses to the meeting

6. **HYPHE PIER HERITAGE ASSOCIATION**

Peter King to update Council on the work of the Association and the requests for assistance from the Association
(Please see draft job description of HPHA Project Development Officer)

11 - 14

7. **COMMUNITY SAFETY SERVICE UNDERSPEND**

To receive the report of the Clerk to the Council

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8. **GENERAL POWER OF COMPETENCE**

To receive the report of the Clerk to the Council

16 - 19

9. **EXCLUSION OF PRESS AND PUBLIC**

To resolve that the press and public be excluded from the Council Meeting for the following items (21 and 22) of business on the grounds they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 of the Local Government Act 1972.

10. **HYPHE PIER AND TRAIN**

Council to discuss

Minutes of the Meeting of Hythe and Dibden Parish Council

Held at The Grove, St John's Street, Hythe
on Wednesday 26 April 2017 at 7.00 p.m

p Cllr. M McLean (Chairman)
p Cllr. James Binns (Vice Chairman)

Councillors:

a Cllr. P Armstrong
p Cllr. M Clark
a Cllr. E Davey
a Cllr. J Fowler
p Cllr. C Harrison
p Cllr. T Johnson

Councillors:

p Cllr. G Parkes
p Cllr. D Poole
p Cllr. M Short
p Cllr. A Wade
p Cllr. M Wade

p = present
a = apologies
n = no apologies received

In Attendance

p Cllr. B Andrews (NFDC)
p Cllr. K Crisell (NFDC)
n Cllr. P Fawkes
n Cllr. B Thorne

PCSOs Hope Bonner and Laura Willshire

Officers in attendance

S Bennett (Clerk to the Council)
S Spencer (Deputy Clerk)
B Edwards (Minute Clerk)

20 Members of the Public

331/16 DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations of interest made and no requests for dispensation received.

332/16 MINUTES

Consideration was given to the Minutes of the meeting of the Council held on 22nd March 2017.

RESOLVED that

The Minutes of the meeting of the Council held on 22nd March 2017 be signed by the Chairman as correct.

333/16 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

The Chairman is pleased that the community and the council are working together and a positive result of this is the award of Brand New Forest Village of the Year for Hythe and Dibden.

The Chairman is proud of the work undertaken by the council's Maintenance Team which works extremely hard to enhance the appearance of the parish.

Waterside Coaches which is a local family run business has been shortlisted for two awards at the UK Coach Awards in the categories of Top Small Fleet Operator and Customer Service Award. The final results will be announced at an annual presentation ceremony being held on 4th May 2017.

It was agreed to send a letter of congratulations on their nomination, and thanks to Waterside Coaches for the service that "does Hythe proud".

334/16 **HYTHE PIER HERITAGE ASSOCIATION**

Peter King updated Members on the progress made by the Hythe Pier Heritage Association (HPHA) and the future of the ferry.

The immediate future of the ferry service is secure, having been purchased by Blue Funnel (BF). HPHA had a meeting with Lee Rayment, Director of BF when agreement was reached to allow a 2 year period to achieve two main objectives:

- to preserve and protect the pier, train and associated buildings from further deterioration
- to celebrate and share the history and heritage of the Pier, the train and the ferry with the community and wider public.

Mr King asked the Parish Council for it's support to help the Association develop proposals for the provision of a Project Worker; the volume of work that is required to help the Association to deliver the two objectives requires some serious project work.

Mr King gave recognition to the huge effort by the community. Fundraising has so far reached in excess of £11,000, towards a target of £20,000 with more fundraising events in the pipeline. The pursuit of attaining charitable status is on-going.

A Newsletter will be produced and a further public meeting is to be arranged.

The Chairman of the Council thanked Mr King and assured him that the request would be taken forward.

RESOLVED that

An extraordinary council meeting is held immediately after the planning meeting taking place on Wednesday 10th May 2017 to consider the support that the Council can offer to the Association

335/16 **INCLUSION NHS**

Gary Hutchings, Sector Lead and Volunteer Scheme Lead from Inclusion Hampshire gave a presentation on the service provided and the benefits to the community of Inclusion – a national organisation which works with individuals, families and communities who are affected by alcohol, drugs, crime and mental health by providing specialist treatment and support to individuals and families.

Inclusion has hubs in Aldershot, Andover, Basingstoke, Eastleigh, Fareham, Gosport, Havant, New Milton, Totton and Winchester. Over 200 people use the service across the New Forest, of which a high proportion of service users are from the Waterside area. Demographics therefore indicate the need for a service in Hythe; a suitable building has been identified which would be set up as a satellite service providing 2 full days of social enterprise and a clinic on one evening per week.

The Chairman thanked Mr Hutchings for his time and requested that the Council be kept informed of progress.

It was agreed to place the presentation on the councils website for the community to have access to the information

336/16 **CRIME AND ANTI-SOCIAL BEHAVIOUR UPDATE**

PCSO Bonner from the Hythe Neighbourhood Team gave an update on the parish crime and asb statistics for the last 60 days

Hythe & Dibden: Previous 60 days

Burglaries - 1

Criminal Damage – 11 – no patterns or links various locations

Theft from vehicle – 6

ASB - 28 - No pattern, no location.

Dibden Purlieu: Previous 60 days

Burglaries – 7

Criminal Damage – 19

Theft from vehicle – 4

ASB - 21 No pattern, no location.

In the past 6 days there has been no calls relating to Anti-social behaviour and no calls re Ewart Recreation Ground

337/16 **REPORTS FROM COUNTY AND DISTRICT MEMBERS**

Cllr. Malcolm Wade reported that Hampshire County Council is currently recruiting a Fly-tipping Partnership and Projects Officer at a cost of £50,000 per year including salary and on-costs. The role holder will lead on delivering and reporting against the aims, objectives and actions of the fly-tipping strategy and will co-ordinate intelligence sharing and collaboration between partners.

Cllr. Bill Andrews reported changes and improvements to NFDC's website landing page, with more to come, that are just a small part of the work of the Members' ICT Group of which he is a member.

338/16 **REPORTS FROM MEMBERS ON OUTSIDE BODIES**

Cllr. Chris Harrison gave a potted history of the Dibden Allotment Fund and how the charity operates.

Trustees meet every Wednesday to review fully completed applications and applicants are usually informed of the decision that afternoon. Applications for sums over £1,000, unusual items and those from organisations rather than individuals are considered each month at a full trustee meeting. In the 12 months to March 2016 more than £315k was awarded to individuals and to organisations.

The Charity successfully operates a Garden Scheme, Shoe Scheme and the Sloppy Slipper scheme.

Cllr. Trevor Johnson reported that a donation of £400 had been received from Cllr. K Crisell to Age Concern New Forest and encouraged all to use the Age Concern charity shops.

339/16 **PUBLIC FORUM**

Allan Fairhead, local resident, again stated that the report on the future of the Community Safety scheme was well written and well presented.

He queried whether information will be given to the community once discussions about contracts have been undertaken with the police, and whether councillors will gather the view of their constituents. He further queried whether provision will be made for cross funding should PCSOs, if appointed, are used out of area.

Mr Fairhead suggested that any cost savings arising from the departure of the ACSO service and the possible introduction of a PCSO service be given to the Hythe Pier Heritage Association.

The Chairman stated that it is up to the public to let their ward Councillors know what they want.

The Clerk to the Council advised Mr Fairhead that the Council will receive the outturn report at the May meeting which will show in detail the cost savings. With regard to the PSCO contract, a draft document is with the Police and Crime Commissioner's office; it is hoped that this will also be on the agenda for the May meeting.

Mr David Wickes, local resident, stated that he was unclear on whether the parish would be employing ASCOs or PCSOs as conflicting statements had been printed in the press. The Clerk and Chairman responded that no conflicting statements had been made by the Clerk and Chairman and the Chairman stated that 3 options had been discussed by Members – ACSOs, PCSOs and Community Wardens; the Council has decided to proceed with PCSOs.

Mrs Deb Summers voiced concerns that the reviewed Public Forum Guidance would restrict freedom of speech by the public. The Clerk responded that the document was an amalgamation of 3 existing documents already used at council meetings.

Mrs Summers stated that, contrary to statistics given by a PCSO from Hythe Neighbourhood Team, anti-social behaviour is happening at Ewart Recreation Ground. The Clerk to the Council offered to reissue to ASB log to affected residents; the offer was declined.

340/16 **QUESTIONS UNDER STANDING ORDERS 25 AND 26**

There were no questions asked.

341/16 **PLANNING COMMITTEE**

Consideration was given to the Minutes of the Planning Committee meetings held on 12th April 2017.

RESOLVED THAT

The Minutes of the Planning Committee meeting held on 12th April 2017 be agreed.

342/16 **AMENDMENT TO MINUTES**

Consideration was given to the request from Mr Fairhead to amend the minutes of the Council meeting held on 22nd February 2017.

RESOLVED THAT

The following amendment to the Minutes of the meeting held on 22nd February 2017 is agreed:

'Allan Fairhead referred to the concerns he raised at the full council meeting on 25th January 2017 and queried whether the public would be consulted regarding the replacement community service'.

343/16 **NEIGHBOURHOOD PLANNING**

Cllr. Graham Parkes presented the draft aims and objectives of the Neighbourhood Planning Group and consideration was given to the report of the Clerk to the Council.

RESOLVED THAT

- a) The draft Aims and Objectives are agreed.
- b) The allocation of £3,471 from reserves to fund the shortfall in Planning Consultant's costs and other resources necessary for the completion of the Neighbourhood Plan is agreed.

344/16 **CHRISTMAS LIGHTS WORKING GROUP**

Members considered the notes of the Christmas Lights Working Group meeting held on 30th March 2017.

RESOLVED THAT

- a) The notes of the Christmas Lights Working Group meeting held on 30th March 2017 be agreed.
- b) The installation of the same number of solar powered Christmas lights in the same locations as 2016 at a cost of £4,950.00 is agreed.

345/16 **FREEDOM MARCH**

Consideration was given to the report given by the Clerk to the Council and the request by Cllr. Armstrong to hold a Freedom March through Hythe.

RESOLVED THAT

The Freedom March is not progressed at this time.

346/16 **ANNUAL REVIEW OF BUSINESS RISKS AND INSURANCE**

Members gave consideration to the business risks and insurance plan.

RESOLVED THAT

The business risks and insurance plan is agreed.

347/16 **ANNUAL REPORT**

Consideration was given to the annual report of the Council 2016 – 2017.

RESOLVED THAT

The annual report of the Council 2016 – 2017 is noted.

348/16 **ACCEPTANCE OF TENDERS FOR THE PROVISION OF A UTILITY TRACTOR AND ACCESSORIES AND A RIDE ON MOWER**

Consideration was given to the report by the Deputy Clerk.

RESOLVED THAT

- a) The purchase of 1 no. John Deere 308R Compact Tractor and H165 Loader at a price of £17,495.00 is agreed.
- b) The purchase of 1.no John Deere 1580 Ride on Mower at a cost of £15,750.00 is agreed.

349/16 **THE GROVE - ACCESS**

Members were informed by the Clerk to the Council that new information which could change the requirements outlined in the report by the Maintenance and Facilities Supervisor had been received and requested that the matter be deferred.

RESOLVED THAT

The matter is an agenda item at a future Council meeting once the new information has been included in the report.

350/16 **PUBLIC FORUM GUIDANCE**

Members considered the reviewed guidance for the Public Forum.

RESOLVED THAT

The reviewed guidance for the Public Forum is agreed.

351/16 **FINANCE 2016 – 2017**

Consideration was given to the bank reconciliation for March 2017 and the Schedule of Payments for the period 1st March 2017 to 31st March 2017.

RESOLVED that

- a) The bank reconciliation of March 2017 is noted.

- b) The schedule of payments for the period 1st March 2017 to 31st March 2017 is agreed.

The meeting closed at 8.30 p.m

Chairman
Date
mncou218

HYTHE PIER HERITAGE ASSOCIATION

JOB DESCRIPTION

PROJECT DEVELOPMENT CO-ORDINATOR

Grade: Local Government Spinal Point 29
Hours of work: 37 hours per week
Responsible to: **Chairman, Hythe Pier Heritage Association**
Place of work: Hythe
Employing body: *(Hythe Pier Heritage Association)*

This is a fixed term 12 month contract, initially until *.**

BACKGROUND TO HYTHE PIER HERITAGE ASSOCIATION

(To draft)

PURPOSE OF THE JOB

- To be responsible for leading the development of the work of Hythe Pier Heritage Association and its key projects
- To support and assist in the day-to-day delivery of the work of the Steering Group and working groups.
- To provide effective leadership and performance management regarding the delivery planned outputs, milestones and targets
- To ensure that Hythe Pier Heritage Association develops positive relationships with partners in other agencies, including transport providers, partner agencies and private sector businesses, and community and voluntary sector partners.
- Provide specialist skills to the working groups and Steering Group as required to assist them to deliver their targets

MOBILISATION

1. To assist the Steering Group develop the projects of Hythe Pier Heritage Association providing the skilled resource and working collaboratively with the marine sector.
2. To establish communication links within the organisation and with external partners.
3. To assess risk for the organisation and ensure that appropriate measures are put in place to mitigate risks.

4. To establish financial procedures to ensure that the Organisation runs smoothly and within statutory and charitable status requirements.
5. To offer leadership alongside community representatives, ferry and pier users, statutory and other partners in the newly established organisation and ensure that other structures are set up to provide strategic oversight of the organisation's work.
6. To lead in the development of monitoring and evaluation tools in collaboration with management colleagues from partner and funding organisations. This is to ensure that appropriate and accurate data and information is collected from the outset, in order that the impact of the organisation and its projects can be evaluated, and build the case for ongoing funding and business relationships.

LEADERSHIP

7. To contribute to the development of the projects of Hythe Pier Heritage Association by working in partnership with other agencies and the community
8. To provide strategic assistance and direction to the Steering Group, working groups and volunteers to meet development and organisational outcomes.
9. To fully involve the community and business partners in the development and delivery.
10. To provide sensitive and accessible services, and appropriate capacity building to volunteers.
11. To contribute to economic improvement and sustainability, environmental, tourism and heritage strategies by working in partnership with other agencies to achieve positive outcomes
12. To represent and promote the work of Hythe Pier Heritage Association in the wider community.
13. To effectively monitor the performance of the projects, providing regular reports for the Steering Group and funders as required.
14. To attend meetings according to the needs of the organisation.
15. To have day to day responsibility for managing agreed expenditure in line with the agreed budget.

16. To ensure that effective support is given to volunteers.
17. To develop the projects in line with service users and business needs.
18. To work with the Chairman and Working Group leads to provide regular feedback to funders and strategic partners.
19. To ensure the maintenance of full, accurate and up to date records within the agreed system.
20. To ensure the organisation complies with the relevant legislation and regulations.
21. To liaise with relevant colleagues to ensure that ICT equipment and other resources are available and maintained to the necessary standards to support service delivery.
22. To adapt and implement existing policies and procedures in line with the needs of the Steering Group and Working Groups.

ASSISTANCE TO VOLUNTEERS

23. Provide day to day leadership and management of the projects, as agreed with the Steering Group and working group leads.
24. To effectively seek recruitment of specialist and additional volunteers to assist the delivery of the projects
25. To provide regular supervision to volunteers where requested.
26. To collate, analyse and respond to performance management data.
27. To identify learning and development needs and facilitate training and volunteer development opportunities.
28. To co-ordinate and undertake, training (mandatory and optional) to increase knowledge, skills and awareness in relation to the needs of the Hythe Pier Heritage Association.

GENERAL

29. To work closely with the Chairman and key partners and the community in order to further the work of Hythe Pier Heritage Association

30. To seek out and capitalise on opportunities to develop and sustain the Pier, Train and heritage opportunities.
31. To be supervised, appraised and trained in line with the organisation's policies, procedures and practices.
32. To be an active member of the Steering Group and to undertake any work arising from it as agreed.
33. To undertake any other duties as directed by the Chairman that may reasonably fall within the scope of the post.
34. To provide information about Hythe Pier Heritage Association as a whole and in particular the Pier and Train and Heritage opportunities to people and agencies interested in the organisation's work.
35. To assist in the development of and implementation of Hythe Pier and Heritage Association's policies and practices and comply with the organisation's aims at all times. To be committed to the organisation's Equal Opportunities Policy and to promote this with volunteers, partners, and service users.
36. To ensure information is dealt with in accordance with the organisation's policies around Confidentiality, Communications, Internet, Email and Telecommunications and steps are taken to ensure that confidential information is secure.
37. To be aware of and employ the general practices of the organisation's Health and Safety policies and ensure these are adhered to at all times

COUNCIL – 10th MAY, 2017**COMMUNITY SAFETY SERVICE UNDERSPEND****1.0 INTRODUCTION**

The purpose of this report is to provide the underspend figures for 2016 – 2017 and the projected underspend for 2017 – 2018 in relation to the Community Safety Service.

2.0 2016 - 2017

2.1	Underspend on salary budget	£18,244
2.2	Underspend on service codes (non salary)	£ 1,907
2.3	Total underspend 2016 – 2017	£20,151

3.0 2017 - 2018

3.1	Salary budget per month	£ 5,837
3.2	Service code saving for 2017 - 2018	£ 3,300
3.3	Projected monthly saving when PCSO based service operational	£ 1,250

4.0 EAR MARKED RESERVES

4.1	Reserves held 'Future ACSO costs'	£10,000
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For further information contact :

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023801 841 411

COUNCIL – 10th MAY, 2017

GENERAL POWER OF COMPETENCE

1.0 INTRODUCTION

The purpose of this report is to provide the Council with the information to enable it to consider a resolution to invoke the General Power of Competence. The work the Council is considering with regard to the Handy Trust and now the Hythe Pier Heritage Association will be enabled by this power.

2.0 BACKGROUND TO THE GENERAL POWER OF COMPETENCE

- 2.1 Parish Councils are corporate bodies that have accumulated powers through legislation since 1894. Their powers were constrained to specific and appropriate legislation. This means that before undertaking anything, members must be satisfied that the council has the power (under a specified statute) to undertake that activity.
- 2.2 Parish councils have many specific powers (e.g. the provision of open spaces and recreational facilities) in addition to section 137 of the Local Government Act 1972, permitting the expenditure up to certain limits for “purposes not otherwise authorised”. Expenditure on grants and sponsorship is covered by section 137 of the Local Government Act, 1972.
- 2.3 Despite the wide range of powers, parish councils are always at risk of acting unlawfully if they undertake an unusual activity for their community that might not be covered under statutory powers.
- 2.4 Following consultation the Government enacted a “general power of competence” in the Localism Act 2011 (Part 1, Chapter 1, ss 1-8). It was brought into force by SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 in April 2012.

3.0. WHAT THIS MEANS PRACTICALLY

- 3.1 Under the General Power of Competence this Council would no longer be required to identify specific powers to undertake an activity. It is stated in the above Statutory Instrument that:

“The Government’s intention in providing eligible parish councils with the general power of competency is to better enable them to take on their enhanced role and allow them to do things they have previously been unable to do under existing powers”.

- 3.2 Parish councils are provided with “the power to do anything that individuals generally may do” as long as they do not break other laws. It is intended to be the power of first, not last, resort.

4.0 TYPES OF ACTIVITIES

4.1 Some activities covered by the legislation include:

- Running a community shop or post office
- Lending or investing money locally
- Establishing a company or co-operative society to trade and engage in commercial activity
- Establishing a company to provide local services
- Providing grants to individuals.

4.2 The power is not restricted to use within the Parish.

5.0 RESTRICTIONS AND RISKS:

5.1 The only real limitation is that the general power of competence cannot be used to circumvent an **existing restriction** in an existing specific power; for example it cannot be used to raise the precept.

5.2 Existing duties remain in place, such as having regard to the likely effect on crime/disorder and biodiversity. There are also many existing procedural and financial duties that remain in place for the regulation of governance (e.g. no delegation to a single councillor). Furthermore, councils must comply with relevant existing legislation (e.g. employment law, health and safety, equality legislation and duties relating to data protection and freedom of information).

5.3 If another council has a statutory duty to provide a service (e.g. a support service such as a Children's Service), it remains their duty to provide it. Nonetheless, under the General Power of Competence the Parish council may assist.

5.4 Whilst the Council is encouraged to be innovative, councillors must be aware of the risks in particular the potential for being challenged and damage to the Council's reputation if a project goes wrong.

6.0 EXISTING GRANT FUNDING LEVELS

6.1 Expenditure under the Local Government Act (s137) is limited and has to be accounted for separately. Expenditure is restricted in that it cannot be used to give money to individuals and the amounts must be commensurate with the benefit. Section 137 is a power of last resort.

- 6.2 A council that is eligible to use the general power of competence can no longer use Section 137 as a power for taking action for the benefit of the area. However, Section 137 (3) which permits the council to contribute to UK charities, public sector funds and public appeals remains in place.
- 6.3 For 2017 – 2018 grant funding under S137 by this Council must not exceed £123,716 (16,343 electorate at £7.57 per electorate)

7.0. ELIGIBILITY

- 7.1 The three conditions for eligibility are set out in the Statutory Instrument (paragraph 1.4 above) as follows:
- 7.1.1 Resolution: the council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the clerk.
 - 7.1.2 Electoral mandate: at the time the resolution is passed, at least two thirds of the council must hold office as a result of being declared elected (i.e. not co-opted).
 - 7.1.3 Qualified clerk: At the time that the resolution is passed, the clerk must hold a recognised professional qualification (e.g. Certificate in Local Council Administration, Certificate of Higher Education in Local Policy) that includes the CiLCA module relating to the general power of competence.
- 7.2 Having met the criteria for eligibility full council must resolve to effect the General Power of Competence. The council must revisit the decision and make a new resolution at every 'relevant' annual meeting of the council to confirm that it still meets the criteria to enable the power to continue. A 'relevant' annual meeting is the annual meeting of the council after the next ordinary election has taken place.
- 7.3 In consequence, eligibility remains in place until the 'relevant' annual meeting even if the conditions of the eligibility criteria have changed. If the council loses its qualified clerk or has insufficient elected councillors it must also record its ineligibility at the next 'relevant' meeting.
- 7.4 There is no requirement for members to be trained in the general power of competence.

7.5 Hythe and Dibden Parish Council satisfies all the conditions as:

7.5.1 It has 13 out of 13 councillors elected

7.5.2 The Clerk of the Council holds the Certificate in Local Council Administration (CiLCA)

7.5.3 The Clerk of the Council has passed the CiLCA module on the general power of competence.

8.0. RECOMMENDATION

It is recommended that the members invoke the General Power of Competence

For further information contact :

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