

BERKHAMSTED TOWN COUNCIL

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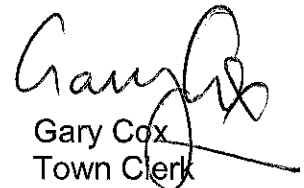
www.berkhamstedtowncouncil.gov.uk

Civic Centre
161 High Street
Berkhamsted
Herts
HP4 3HD

12 May 2015

SUMMONS TO ALL MEMBERS OF THE COUNCIL

Notice is hereby given that the Annual Meeting of **Berkhamsted Town Council** will be held in the Council Chamber, Civic Centre, Berkhamsted on **Monday 18 May 2015 at 7.30pm** for the purpose of transacting the business set out in the agenda below and you are hereby summoned to attend.


Gary Cox
Town Clerk

MEMBERS:

Councillors A Armytage
J Ashbourn
S Bateman
S Beardshaw
D Collins
E Collins
G Corry
F Earl
Mrs C Green
J Higgins
P B Matthews
B Newton
Dr I M Reay
T Ritchie
G Stevens

MEMBERS OF THE PUBLIC ARE INVITED TO ALL MEETINGS OF THE TOWN COUNCIL

AGENDA

FC 35/15 Election of Town Mayor

To **elect a Town Mayor** to hold office until the appointment of a successor at the next Annual Meeting of the Town Council in 2016.

FC 36/15 Declaration of Acceptance of Office

To receive the **Town Mayor's Declaration of Acceptance of Office** and Code of Conduct.

FC 37/15 Apologies for absence

To receive **apologies for absence**.

FC 38/15 Election of Deputy Mayor

To **elect a Deputy Town Mayor** to hold office until the appointment of a successor at the next Annual Meeting of the Town Council in 2016

FC 39/15 Declarations of Interest

To **receive declarations of interest** regarding items on the agenda

FC 40/15 Code of Conduct

To **re-adopt the Code of Conduct** for Members of the Town Council.
(Attached)

FC 41/15 Standing Committee Membership

To **note governance arrangements** for 2015/16; and to **appoint for the ensuing year**, membership of the:

- i Finance & Policy Committee
- ii Town Planning Committee
- iii Transport and Environment Committee.

(Standing Committees will each elect a Chair and Deputy Chair for the year at their next meetings)

(Paper attached)

FC 42/15 Membership of Working Parties and Groups

To **appoint for the ensuing year**, membership of the:

- i Allotment Management Team
 - ii Canal & Riverside Partnership
 - iii Lagley Meadow Youth and Community Centre Sub-Committee
 - iv Events Committee
 - v Festival of Light
 - vi Parish Paths Partnership
 - vii Castle Liaison Group
 - viii Young Peoples Facilities (Swan Centre)
 - ix Communications
 - x Support Services
 - xi Community Infrastructure Levy Working Group
 - xii Parking Provision and Management Forum
 - xiii Better for Berkhamsted Group
- (Paper attached)

FC 43/15 Chair of the Allotment Management Team

To elect a Chair of the Allotment Management Team for 2015/16.

FC 44/15 Representatives to Outside Bodies and Joint Committees

To **appoint representatives to outside bodies and joint committees** for 2015/16 (Paper attached)

FC 45/15 Meeting Dates

To approve the **dates of meetings of the Town Council** for 2015/16 (Paper attached)

FC 46/15 Annual Subscriptions

To approve **annual subscription payments** for 2015/16 (Paper attached)

FC 47/15 Deeds and Trusts

To note **deed and trust instruments** in the custody of the Town Council.
(Paper attached)

FC 48/15 Standing Orders

To **adopt Standing Orders** for the ensuing year. (Attached)

FC 49/15 Financial Regulations

To **adopt Financial Regulations** for the ensuing year. (Attached)

FC 50/15 Insurance Cover

To consider and agree the Town Council's **annual insurance cover** for 2015/16 and **agree the level of fidelity insurance** cover. (Paper attached)

FC 51/15 General Power of Competence

To consider whether the Town Council wishes to **renew its General Power of Competence** to the next ordinary election in 2019, and if so, to resolve to adopt the power. (Paper attached)

FC 52/15 Minutes of Last Meeting

To receive and adopt the **minutes of the last Full Council Meeting** on 23 March 2015.

FC 53/15 Town Mayor's Communications

i Hospice Midnight Walk

To note that the annual **Hospice Midnight Walk will take place on 27 June 2015**; that the event has been publicised on the Town Council website; and the Hospice has been advised of the locations of public noticeboards on which to advertise the event and of local groups who may be able to provide volunteers for the walk. (email attached)

ii **Totem Pole**

To note the letter from Alsford Wharf Estate Ltd and that **a meeting with the Town Council regarding maintenance and preservation of the totem pole** is proposed and anticipated in July 2015. (Letter attached) (FC32/15 refers)

FC 54/15 Public Participation

To suspend Standing Orders to **allow any member of the public present to speak.**

FC 55/15 Sale of Land at Lombardy Drive

To consider proposals from Councillor Stevens regarding the **prospective sale of land at Lombardy Drive.** (Paper attached)

FC 56/15 Ashridge Estate Committee

To consider a request for a Town Council **nominee to become a member of the Ashridge Estate Committee.** (Letter attached)

FC 57/15 Local Government Ombudsman

To note that the Government is consulting on **extending the remit of the Local Government Ombudsman to larger Councils** and to **consider any response** due by 30 June 2015. (Paper attached)

FC 58/15 Electronic Summons

To note that it is now possible to serve the summons to members to attend meetings by email; to **consider and resolve that Councillors can consent to receive their summons by email** (by completing and returning the attached form to the Town Clerk); and to **amend Standing Orders to allow for the summons to be sent by post or email** as preferred. (Paper attached)

STANDING COMMITTEES

To **receive and adopt** the minutes of the:

FC 59/15 Town Planning Committee

Held on: 30 March 2015 and
20 April 2015

FC 60/15 Transport & Environment Committee

Held on: 13 April 2015

FC 61/14 Finance & Policy Committee (Extraordinary Meetings)

Held on 30 March 2015 and
30 April 2015

WORKING GROUPS

To receive and adopt the minutes of the:

FC 62/15 Allotment Management Team

Held on: 23 April 2015

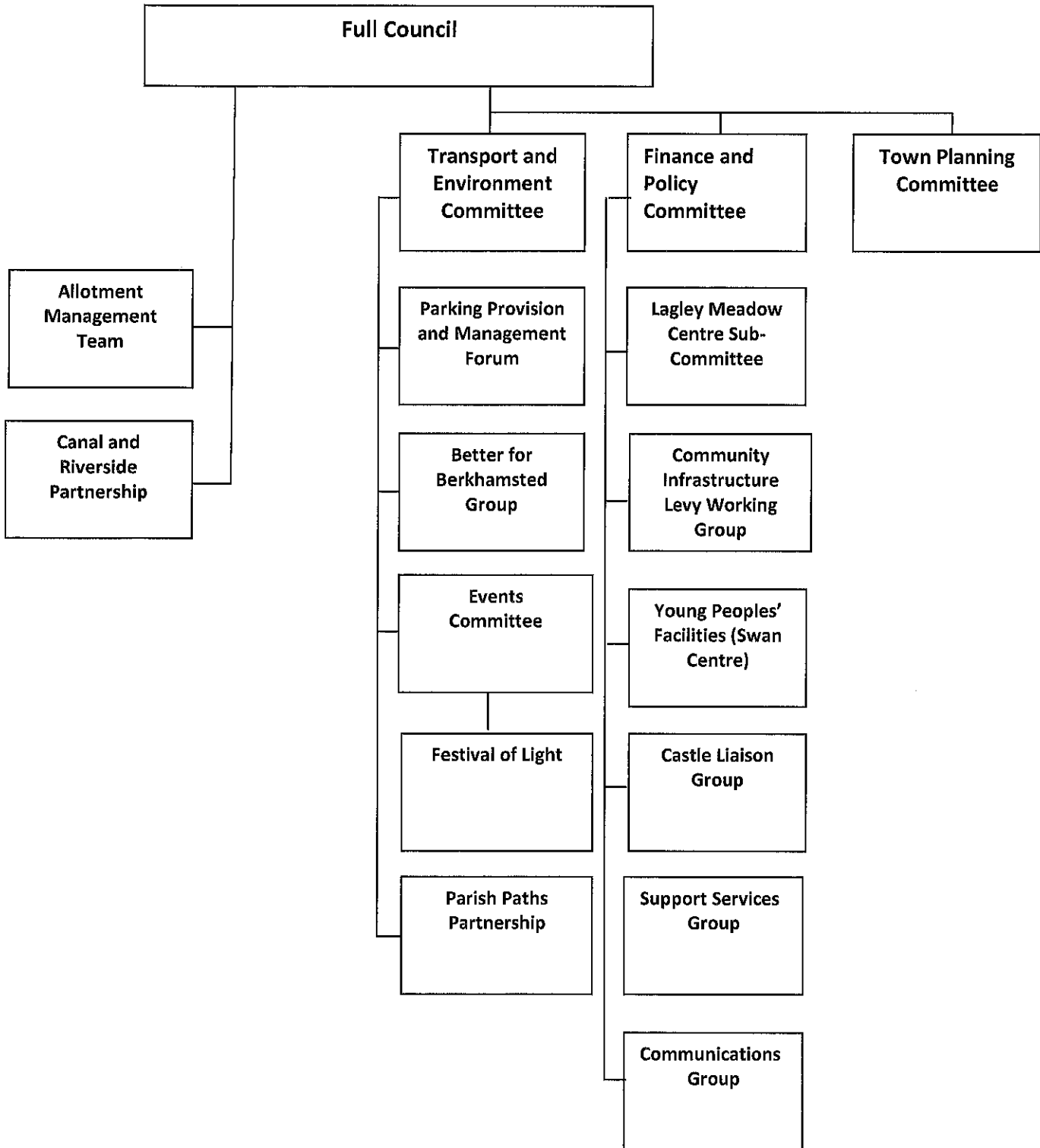
COMMUNITY SAFETY

FC 63/15 Police Community Support Officer Report

To note the report for April 2015 submitted by the Police Community Support Officer. (Paper attached)

GOVERNANCE ARRANGEMENTS 2015-16

SUMMARY



STANDING COMMITTEE LIST 2015 - 16

The Town Mayor and the Deputy Town Mayor are Ex-Officio Members of all committees. The Town Mayor has the vote as an ex-officio member but the Deputy Town Mayor does not.

FINANCE & POLICY COMMITTEE:

Councillors: S Bateman
D Collins
E Collins
C Green
J Higgins
G Stevens

Substitutes: J Ashbourn
G Corry
I Reay

TOWN PLANNING COMMITTEE:

Councillors: A Armytage
J Ashbourn
S Beardshaw
B Newton
I Reay
G Stevens

Substitutes: D Collins
G Corry
J Higgins
P Matthews

TRANSPORT & ENVIRONMENT COMMITTEE:

Councillors: S Bateman
Sue Beardshaw
E Collins
F Earl
P Matthews
B Newton

Substitutes: A Armytage
J Ashbourne
G Corry

TOWN COUNCIL WORKING PARTIES AND GROUPS 2015-16

The Town Mayor is an ex-officio Member of all Working Parties.

ALLOTMENT MANAGEMENT TEAM

Reports to Full Council

Councillors A Armytage
B Newton
F Earl

+ Allotment Representatives

CANAL & RIVERSIDE PARTNERSHIP

Reports to Full Council

Councillors D Collins
C Green
F Earl

+ Representatives

LAGELY MEADOW YOUTH AND COMMUNITY CENTRE SUB-COMMITTEE

Reports to F&P

Councillors Sue Beardshaw
D Collins
I Reay

+ Representatives

EVENTS COMMITTEE WORKING GROUP

Reports to T & E

To report to T&E (from F&P) and Membership to be determined by T&E

FESTIVAL OF LIGHT COMMITTEE

Reports to F&P

Councillors: S Bateman
D Collins

+ Representatives

PARISH PATHS PARTNERSHIP

Reports to T & E

Councillor D Collins
P Matthews

+ Representatives

BERKHAMSTED CASTLE LIAISON GROUP

Reports to F & P

Councillors: D Collins
P Matthews

+ Representatives

**YOUNG PEOPLES FACILITIES:
(Swan Centre)**

Reports to F & P

Councillor A Armytage

COMMUNICATIONS:

Reports to F & P

The role and membership of the Communications Group to be reviewed by F&P.

SUPPORT SERVICES:

Reports to F & P

Councillors D Collins
P Matthews
I Reay
T Ritchie

**COMMUNITY INFRASTRUCTURE LEVY
WORKING GROUP**

Reports to F & P

Councillors D Collins
C Green
J Higgins
G Stevens

+ Representatives

PARKING PROVISION AND MANAGEMENT FORUM

Reports to T & E

Councillors D Collins
P Matthews
G Stevens
I Reay (County Council Representative)

+ Representatives

BETTER FOR BERKHAMSTED GROUP

Reports to T&E

The role and membership of the Better for Berkhamsted Group to be reviewed by T&E.

TOWN COUNCIL REPRESENTATIVES ON OUTSIDE BODIES AND JOINT COMMITTEES 2015-16

FC 44/15

Berkhamsted Market Fund	Councillors:	D Collins I Reay
Berkhamsted Chamber of Commerce	Councillor:	I Reay
Berkhamsted Youth Town Council	Councillor:	A Armytage
Bourne and Salter Educational Foundations	Councillor:	E Collins Mrs J Habib Mr I Gent Mrs P O'Shea
Fairtrade Steering Group	Councillor:	G Stevens
Friends of St Peter's, Berkhamsted	Councillor:	P Matthews
Northchurch United Charities	Councillors:	T Ritchie C Talbot-Ponsonby
St. Peter's Parochial Charities	Councillor:	C Green Mrs J Habib Mrs C Cowie Mrs P O'Shea
The Swan Project Trustee	Councillor:	A Armytage
Town Hall Trust		Martin Hillier

FC 45/15

BERKHAMSTED TOWN COUNCIL - MEETING DATES 2015/16	
2015	
May 18	Annual Meeting of Council
May 27 (Wednesday 7.30pm)	Town Planning
June 8	Transport and Environment
June 15	Town Planning
June 22	Finance and Policy
June 29	Full Council (approval of end year accounts)
July 6	Town Planning
July 16 (Thursday 10.30am)	Allotment Management Team
July 27	Town Planning
August 17	Town Planning
August 24	Transport and Environment
September 7	Town Planning
September 21	Finance and Policy
September 28	Town Planning
October 12	Full Council
October 15 (Thursday 10.30am)	Allotment Management Team
October 19	Town Planning
November 2	Transport and Environment
November 9	Town Planning
November 23	Finance and Policy
November 30	Town Planning
December 14	Full Council
December 21	Town Planning
2016	
January 11	Town Planning
January 18	Finance and Policy
January 25	Full Council (Precept)
February 1	Town Planning
February 11(Thursday 10.30am)	Allotment Management Team
February 22	Town Planning
February 29	Transport and Environment
March 14	Town Planning
April 4	Town Planning
April 11	Finance and Policy
April 18	Full Council
April 21 (Thursday 10.30am)	Allotment Management Team
April 25	Town Planning
May 5 (Thursday 7.30pm)	Annual Town Meeting – at the Town Hall
May 9	Transport and Environment
May 16	Town Planning
May 23	Annual Meeting of Council

All meetings are held in the Council Chamber on a Monday at 7.30pm unless indicated. Any additional meetings will be advertised by Public Notice 7 days in advance on Town Council Noticeboards and website @ www.berkhamstedtowncouncil.gov.uk

FC 46/15

ANNUAL SUBSCRIPTIONS PAID BY THE TOWN COUNCIL

NAME	AMOUNT £	
	2015/16	2014/15
HAPTC Membership	1,130.81	1122.15
NALC Membership	769.12	749.80
LCR NALC Magazine	17.50	15.50
Society of Local Council Clerks	225.00	227.00
Data Protection Registrar	35.00	35.00
Chiltern Society	25.00	25.00
Open Spaces Society	45.00	40.00
Community Development Action (Herts)	30.00	30.00
Chamber of Commerce	40.00	40.00
Berkhamsted Review	5.00	5.00
Berkhamsted and Tring Gazette	33.28	33.28
Total	£2,355.71	£2,322.73

FC 47/15 9

AUSTINS

PENNY & THORNE

SOLICITORS

175 HIGH STREET BERKHAMSTED HERTFORDSHIRE HP4 3HG
TELEPHONE 01442 872141
FAX 01442 862222
DX 80851 BERKHAMSTED
E-MAIL austins.berkhamsted@virgin.net

BERKHAMSTED TOWN COUNCIL COMMITTEE REF: 14 MAY 1999 FILE REF:
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Colin Westwood Esq
Town Clerk - Berkhamsted Town Council
The Civic Centre
161-163 High Street
Berkhamsted
Herts
HP4 3HB

Your Ref:

Our Ref:
NGF/AE/B110203/Berkhamsted

13 May 1999

Dear Mr Westwood

Re: Berkhamsted Town Council - Deeds and Trust Instruments.


You have asked me to provide a list of those items which fall into the category of the above and which are held here for safekeeping. The items are in date order:-

- 1 Tenancy Agreement dated 7th November 1924 with London Midland and Scottish Railway Company in respect of a strip of land on the upside line abutting Sunnyside Church - this not strictly a Deed.
2. Conveyance dated 25th February 1925 of Dellfield Allotments and Old Sunnyside Allotments (with Memoranda of Disposals).
3. Conveyance dated 26th April 1927 of Sunnyside New Allotments
4. Counterpart Lease dated 23rd September 1969 of Sub Station Site on Allotment Land adjacent to Ivy House Lane
5. Counterpart Lease dated 6th December 1982 of 0.339 acres of car park land to Sunnyside P.C.C.

As for Butts Meadow, we hold a photocopy of a Deed of Gift of 19th October 1914 from Mrs Helen Lucas to the former UDC, handed over by Dacorum Borough Council to the Council in 1974. The original deed is not available.

I do hold Agreements which cannot be classified as Deeds and of which I will supply you with details on request. We hold no Trust instruments.

Yours sincerely


N.G Frostick

Purpose

1. This paper invites the Town Council to review the extent and appropriateness of insurance cover for the Town Council for 2015/16; and to agree fidelity cover of £500,000.

Insurance Policy

2. The Town Council has a 3 year insurance cover policy with Zurich Municipal. The annual premium is £2,267.24 for the period 1 June 2015 - 31 May 2016.
3. This is a rise of £145.47 on last year's premium, due to index linked increases on some cover, particularly contents and assets. There is also an additional £39.49 premium for Personal Accident and Public Liability cover for an increased number of volunteers at the Festival of Light (and for any other Town Council events).
4. Other than the increased cover for volunteers, there are no substantive changes to the Council's insurance requirements and that cover continues to be set for:

	Value Insured
• Material damage to fixtures, fittings and contents at Lagley Meadow	£5,150
• Business Interruption	£50,000
• Assets and General Office Contents/Equipment	£100,000
• Loss of Money	£250,000
• Public liability	£10,000,000
• Employers Liability	£10,000,000
• Personal Accident (one person/one incident)	£500,000/£2,000,000
• Legal costs and expenses	£100,000
• Libel and Slander	£250,000
• Comprehensive Motor Vehicle, Accident	£5,000,000

Fidelity Insurance

4. In accordance with Financial Regulations, the Town Council is asked to determine the level of insurance cover for Fidelity Guarantee Insurance. The Town Council's current level of risk to loss or fraud is £500,000. Insurers set premiums for Fidelity Insurance at banded levels of risk. The Town Council's Fidelity Insurance is set within the £250,000 – £500,000 band. The Town Council is asked to consider whether the level of Fidelity Insurance provided in the insurance cover is adequate for the renewal policy.

Next Steps

6. Subject to that determination, as responsible Finance Officer, I propose the Town Council continues its insurance policy with Zurich Municipal for 2015/16 at a cost of £2,267.24 a year. I confirm that Zurich Municipal is a responsible, reputable and financially sound insurance company which is also covered by the Financial Services Compensation Scheme.
7. This is the third and final year of a 3 year policy with Zurich. For 2017/18 the proposal, consistent with Financial Regulations, is to obtain a number of quotes to inform the next policy renewal.

Gary Cox
Responsible Finance Officer

GENERAL POWER OF COMPETENCE

Legislative background to the power

1. The Localism Act 2011, Sections 1-8 has provided local authorities with a **general power of competence**, a new power with wide ranging possibilities and which replaces the power of well-being.

What does the power allow councils to do?

2. The General Power of Competence gives eligible local councils, "**the power to do anything that individuals generally may do**" as long as they do not break other laws. It is intended to be a power of first, not last, resort.
3. A Council has to ask itself if an individual is allowed to do it, if the answer is yes then a council is normally permitted to act in the same way.
4. A council could:
 - lend or invest money
 - it could set up a company or co-operative society to trade and engage in commercial activity
 - it could run a community shop or post office
 - the power is not restricted to use within the parish it can be used anywhere.

Risks and restrictions limiting the general power of competence

5. The general power of competence cannot be used to raise the precept. The Council can seek other sources of funding such as Community Infrastructure Levy (CIL), sponsorship, commercial activity and agreements with other authorities. Councils can receive income as a consequence of using the power, they could lend money to support a local activity and earn interest on the loan, they could purchase shares in a struggling local enterprise.
6. However, **to use this power the Council must have the support of the local community**. While Councils are being encouraged to be innovative they should be aware of the risk of:
 - being challenged
 - their trading activities damaging other competing local enterprises
 - damage to the council's reputation and public money if a project goes wrong.
7. **Existing duties remain in place**, such as having regard to the likely effect on crime and disorder, biodiversity and the duty to provide allotments
8. Existing **financial and procedural duties remain in place** for regulating governance for example - no delegation to a single councillor
9. Councils must **continue to comply with relevant existing legislation**, such as employment law, Health and Safety legislation, equality legislation and duties related to data protection and freedom of information.
10. If the Council wishes to trade, it must set up a company or co-operative society and abide by company law. The council can charge for services provided under the power.
11. If the Council wishes to support a community enterprise, an economic development grant might be a sensible option.

12. If **another authority has a statutory duty to provide a service (eg education) it remains their duty to provide it but the Council may assist.** The Council needs to ask itself whether an individual, private company or community trust could help, if the answer is yes then the council can assist. An appropriate delivery body may need to be set up.
13. If the **action the Council wishes to take is also covered by a specific power then any restrictions that apply to the overlapping power remain in place.** So if existing legislation requires the council to ask permission before acting, then it must do so. For example, the council asks permission of the Highways Authority before doing work on roadside verges.

How does the general power of competence relate to Sec 137 expenditure?

14. Monies that can be spent under Sec 137, Local Government Act 1972 are limited and restricted in that they cannot be used to give money to individuals, and expenditure must be commensurate with the benefit. (Sec 137 is a power of last resort).
15. A **Council that is eligible to use the general power of competence can no longer use Sec 137 as a power for taking action** for the benefit of the area or its community except Sec 137 (3) which permits the council to contribute to UK charities, public sector funds and public appeals remains in place.
16. The general power of competence is a very broad ranging power, far wider than any power that has previously been available to town and parish councils, wider than sec 137 and the power of well-being.

How to become eligible to use the power of general competence

17. The conditions for eligibility are:

i **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. The resolution can be passed at any meeting of the council but a further resolution must be passed at every subsequent "relevant annual meeting" for the council to be able to continue to exercise the power. A "relevant annual meeting" is the annual meeting that takes place in a year of ordinary elections, once every four years.

ii **Electoral Mandate**

At the time the resolution is passed, at least two thirds of the members of the Council must hold office as a result of being declared elected. This means they should have stood for election, whether at an ordinary or by election, even if unopposed, rather than co-opted or appointed. If two thirds is not a whole number then it must be rounded up.

iii **Qualified clerk**

At the time the resolution is passed the Clerk must hold the Certificate in Local Council Administration, the Certificate of Higher Education in Local Policy, the Certificate of Higher Education in Local Council Administration or the first level of the foundation degree in Community Engagement and Governance (or successor qualifications) awarded by the University of Gloucestershire. The clerk must also have completed training in the exercise of this power as part of one of these qualifications or as separate exercise.

If the Council loses its qualified clerk or has insufficient elected councillors then it must record its ineligibility at the next 'relevant' Annual Meeting of the Council (after the ordinary election). If it has already started an activity it can finish that but not start anything new.

Having decided at a full meeting of the Council that it meets the criteria for eligibility at that

particular time, a resolution to this effect must be clearly written in the minutes.

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.

There is no requirement for members to be trained in the general power of competence.

Consideration

Berkhamsted Town Council satisfies all the conditions as:

- All 15 councillors were elected
- The Town Clerk holds the Certificate in Local Council Administration (CiLCA) including the CiLCA module on the general power of competence (attached).

The Town Council is invited to consider whether it wishes to adopt the General Power of Competence, and if so to **RESOLVE** that:

The Town Council, in accordance with the Localism Act 2011, Section 8, as set out in the Statutory Instrument Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, has met the following criteria:

- more than two thirds of the members of the Council have stood for election and
- the Clerk holds the Certificate in Local Council Administration (CiLCA) and

and will use the Power of Competence to the next ordinary election in 2019, when it must resolve that it meets the eligibility criteria to continue to be an eligible parish council.

Town Clerk
30 April 2015

Townclerk

FC 53/15 i

Subject: FW: Hospice Midnight Walk

From: Nicky Maxwell-Braithwaite [mailto:Nicky.Maxwell-Braithwaite@stfrancis.org.uk]

Sent: 22 April 2015 12:40

To: berkhamsted.towncouncil@dacorum.gov.uk

Subject: Hospice Midnight Walk

Dear Gary,

I am contacting you to about supporting our annual Midnight Walk, we're so lucky to have the support of the local community and hope that you will join the glow!

Our Midnight Walk is now in its 9th year, and has raised over £1million to care for our patients and their families. This year's event has been given a glowing makeover and is taking place on Saturday 27th June at 10pm. We're so excited about our new 5 or 10 mile route which starts and finishes at Hemel Hempstead School. There's more information about the event at www.stfrancis.org.uk/midnightwalk

We're delighted that our community is showing it's spirit by helping to promote the walk and businesses along the route are showing their support- Kent Brushes in Apsley are lighting up the lady outside their office whilst Apsley community centre is allowing us to use their toilets, the Red Lion Pub will be creating a 'Glow Zone' and Riverside shopping centre who are also allowing us to use their facilities.

Please can we ask for your help to raise awareness about the walk by displaying posters on your parish council notice boards and mentioning us in your newsletter? The safety of our walkers is paramount, we hope to have 800 committed walkers to support in their efforts to raise money for the Hospice, would your parishioners be willing to help marshal as a team? This would make a lovely article for local media and our social networking sites.

Your support will help to make the event an huge success, I've attached a flyer to give you a feel for the night and hope that will consider supporting us at this time.

I look forward to hearing from you and thank you for your time.

Best regards,
Nicky

Nicky Maxwell-Braithwaite

Events Fundraiser

My working days are Monday to Thursday 08.00 – 17.00



Join us at our Midnight Walk on Saturday 27 June and glow in the dark along our brand new route. [Click here to sign up now!](#)

The Hospice of St Francis, Spring Garden Lane, Off Shootersway, Northchurch, BERKHAMSTED, Herts. HP4 3GW
Tel: 01442 869555 Fax: 01442 879191



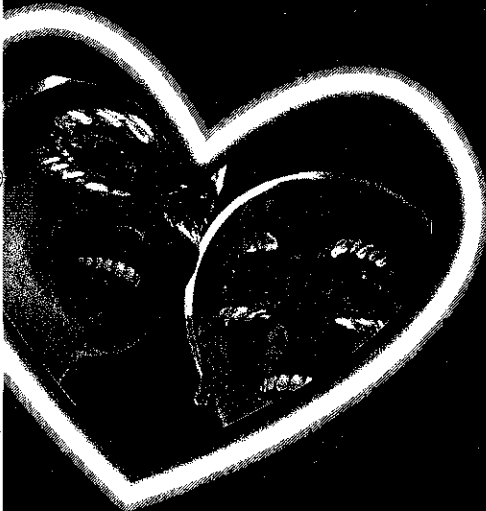
The Hospice
of st francis

MIDNIGHT WALK

GLOW FOR IT

ON SATURDAY 27th JUNE AT 9pm
IN NEMEL HEMPSTEAD

Join us for a glowing night of fun, friendship and special memories as you walk our NEW 5 or 10 mile routes. We promise a night to remember!



Register online now at
stfrancis.org.uk/midnightwalk
or call 01442 869555

BERKHAMSTED
TOWN COUNCIL
05 MAY 2015

Cynthia Fulks

REFERENCE.....

FC 53/15ii

5th May 2015

Mr G Cox
Town Clerk
The Civic Centre
161 High Street
Berkhamsted
HP4 3HD

Dear Mr Cox

Re: **Totem Pole at Alsford Wharf**

Thank you for your letter of the 9th April. I delayed in replying as I wished to bring this subject up at our AGM at the end of April.

I have checked our property leases and the Articles of Association of our Limited Companies and can find no specific reference to the maintenance and long term preservation of the Totem Pole. However, we do share the Town's view that the Totem Pole is iconic and we need to explore all possibilities for its retention either on site or within the town.

We are having an insurance review of our development in July, which will include the assessment of the sustainability and associated costs of insuring the Totem Pole and once this is completed I would consider this to be the appropriate time for further discussions between the Directors and the Town Council.

I will be in touch with you in due course.

Yours sincerely



Cynthia Fulks

Director

Alsford Wharf RTM Ltd

Alsford Wharf Estate Ltd

FC 55/15

Note to : Berkhamsted Town Council for Meeting 18th May 2015

From: Cllr G Stevens

Subject : Lombardy Drive – prospective sale of title to third party of land already adopted

Councillors will be aware that some residents of Lombardy Drive have received letters from an Agent acting for Taylor Wimpey offering to sell them land adjacent to them or the large green space, which failing the land would go to auction [was May but informed currently it's July]. This has caused not a little disquiet among residents.

The purpose of this note is to propose that Council works with the relevant authorities and residents with some urgency to safeguard this area as public green space in perpetuity.

Background

Following the comment by a resident at the Planning Meeting on 20th April there has been a flurry of emails involving the Borough and County/Highways.

This has established that:

- The land was adopted as Highways in 1962 following the building of the estate by Wimpey.
- The agreement is registered with Land Registry. We have the agreement number.
- Notwithstanding, title to the land remains with Wimpey [or its successors]

Should the 'sale' of the land go to auction the residents and our authorities could be faced with an intransigent buyer determined to develop this area, which is one of the very few green spaces within the residential areas and features in BCA 2.

Recommendation

- 1 As Taylor Wimpey have already been heavily involved with the Boro and County in respect of the Durrants Lane site[s], it would seem sensible that we urge them to transfer title to the land to the County for a nominal sum, [£1 ?] to match land ownership with the previous adoption as Highways.

This would avoid future challenges on ownership/maintenance and on-going legal fees should residents feel obliged to purchase the land to safeguard the green.

As time is limited, BTC should establish with County that it would be willing to acquire this land, which failing BTC should consider purchasing the title.

- 2 In parallel, Council should embark on the process to register the green space in particular as a Village Green. I envisage setting up a working party to include a number of residents.

Cllr G Stevens
11th May 2015



**National
Trust**

diane.armson@nationaltrust.org.uk
Direct line: 01442 841800

FC 56/15

17 April 2015

Mr Gary Cox
Parish Clerk
161 High Street
Berkhamsted
HP4 3HD

Dear Mr Cox

Ashridge Estate Committee

I am writing to introduce myself to you as the new Chair of the Ashridge Estate Committee.

The Committee comprises local people with a strong interest in and love of the natural environment. The Committee exists to support and promote the work of the National Trust and acts as an advisory panel to the staff who manage the estate.

We currently have a number of vacancies on the Committee and would be keen to attract new members from local parishes. We meet four times a year and discuss aspects of the management of the estate, any relevant staffing or financial issues and also hear reports from the Pitstone Windmill Committee, the Pitstone Green Museum and the Friends of Ashridge. Our February meeting is usually an evening meeting. We then hold day time meetings in May and July and include a walk or talk to look at a particular issue of interest on the estate and have a light lunch. We then round up the year with another evening meeting in October.

I have been speaking with Susie Mercer, the new General Manager at Ashridge, about the need for us to maintain strong links with local communities and forge better ways of communicating with the local parish councils that border the estate. We feel that it would be an excellent idea for local parish councils keen to have a direct link into Ashridge to nominate a member of their number to become members of the Estate Committee. Although this could be an elected parish councillor, it is also possible that another person from within those communities to fulfil the role. The important thing would be that the nominated person would be able to attend regularly and would be able to relay to their relevant parish council any matters of interest or raise any concerns or queries that a particular parish might have.

National Trust
Ashridge Estate Office
Ringshall
Berkhamsted
Hertfordshire HP4 1LT
Tel: +44 (0)1442 841800
Fax: +44 (0)1442 842062
www.nationaltrust.org.uk

President: HRH The Prince of Wales
National Chairman: Tim Parker
Chairman London and South East Region: David Coleman
Director for London and South East: Nicola Briggs

Registered office:
Heelis, Kemble Drive, Swindon, Wiltshire SN2 2NA
Registered charity number 205846

If you would like to nominate a member from your parish to sit on the Committee, do please get in touch with Diane Armson at the estate office, who will be pleased to send them an invitation to the next meeting.

Alternatively, if you would like to speak to either Susie or me about the role or the work of the Committee, do please feel free to give us a ring. Our contact numbers are below.

Best wishes,
Yours sincerely,

Bob Saintey
Chair, Ashridge Estate Committee

Bob Saintey:	01296 668633
Susie Mercer:	01442 841801

Cont/d

Local Government Ombudsman

What is in this for local councils?

Local councils will wish to be aware of a new Government consultation *Strengthening Parish and Town Council Accountability: Consultation on Extending the Remit of the Local Government Ombudsman to Larger Parish and Town Councils*. Currently local councils do not have a regulatory body or Ombudsman. This leaves complaints about parish councils largely within the self-regulatory framework of internal complaints procedures, unless there is a matter subject to specific regulation, such as a criminal or financial wrongdoing which might then be subject to intervention by an external body.

All councils will wish to consider this consultation which on the face of it relates only to larger councils and considers how to define larger councils for this purpose. Government could decide to set a regulatory framework which leaves it the flexibility to decide which councils to apply the control at their discretion. The example of automatic precept referendums will be familiar to local councils where Government is publicly critical of larger council expenditure but has reserved itself the power to impose referendums on any size of council.

Councils will also be considering a variety of questions in relation to the Local Government Ombudsman, such as:

- Would being subject to the Local Government Ombudsman increase the credibility of local councils?
- Does the Ombudsman currently provide an effective and credible safety net?
- How many complaints are there about the service of the Local Government Ombudsman?
- Is the scope of the Ombudsman's activity more limited than the public would expect?
- Given the complexities of understanding the remit of the Local Government Ombudsman, how difficult would it be to define clearly its scope when dealing with local councils?
- Should the role of the Ombudsman be limited to statutory duties where there can be a fair expectation of delivery of service through the public purse? Unlike local councils, principal local authorities have many statutory duties imposed on them which inevitably create a public expectation of delivery. Is the centralised and remote control of the Ombudsman an appropriate vehicle for complaints about local councils which have few duties?
- Would the public interest be better served by extending the remit of the Ombudsman to cover a greater range of principal local authority statutory duties?
- Would the public interest be better served by empowering local councils to make complaints in their own right for maladministration and service failure by a principal local authority?
- To what extent should any imposed control on local councils by the Ombudsman be restricted?
- How well resourced are local councils to deal with external intervention measures?
- Is there evidence that external intervention is needed and proportionate?
- Is the Local Government Ombudsman sufficiently resourced to successfully extend its remit further?
- If the remit is extended to 'larger councils', how will this be defined and is it inevitable that the scope would extend to smaller councils in time?

Local Government
OMBUDSMAN

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[Schools](#)
[Councils performance](#)
[Training for councils](#)
[About us](#)
[Working for us](#)

The Local Government
The Local Government Ombudsman including education admissions providers. It is a free service. O

If you have a problem with a council complain to the council. But if you may be able to help. [Check here for complaints](#) - or call our helpline

Our helpline:
Call our helpline on 0209 051 0611 making a complaint. The helpline is 9-5pm Monday to Friday. You can complain online. See [Contact us](#) if

www.lgo.org.uk

Government asks for responses to specific questions within the consultation (see below). Councils should feel free to include other points within their response which might include those posed by the questions above.

Date: 30 June 2015 (Details of how to respond below)

References to local councils: 86

Pages: 12

The Electronic Summons

What is in this for local councils?

Local councils will wish to be aware that there has been a resolution to the anachronistic situation which prevented councils from legally serving by electronic means the summons to councillors to attend meetings. Since 30 January 2015 the Local Government (Electronic Communications)(England) Order 2015 has been in force, permitting email service of the summons. Councillors can only receive summonses electronically where they consent to it being transmitted by this method and they may at any time withdraw their consent. There is no obligation to adopt delivery of summons by email.

The relevant law which the order has amended is the Local Government Act 1972 para 10(2)(b) which required that three clear days at least before a meeting of a parish council—

“a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post to the usual place of residence of every member of the council.”

This has now become “(b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and certified by the proper officer of the council, shall be sent to every member of the council by an appropriate method.”

A new paragraph 10 (2A) then explains that:

‘(a) “authenticated” means signed or otherwise authenticated in such manner as the proper officer thinks fit; and

(b) the reference to sending the summons to a member by an appropriate method is to—

(i) leaving it at, or sending it by post to the member’s usual place of residence, or

(ii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.”

Importantly, it has always been and remains the case that under Schedule 12 para 10(3) “Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the parish council concerned shall not affect the validity of the meeting.” So, failure to summon councillors to the meeting will not invalidate decisions. Nevertheless, in law councillors have the right to expect that they are made aware of the meeting and that they are notified in advance of the business to be decided.

Councils will wish to consider taking the following steps:

- ⊗ Ensuring the summons sent to councillors contains the business to be transacted (agenda).
- ⊗ Ensuring all councillors are aware of the new law.
- ⊗ Deciding whether to introduce (or continue) the delivery of summons by email.
- ⊗ Formally recording (for example in their minutes) the consent or otherwise of councillors to receiving a summons by email.
- ⊗ Respecting the right of individual councillors to withdraw their consent to receiving a summons by email at any time and recording any such withdrawals.
- ⊗ Including the Proper Officer title alongside an electronic signature in order to authenticate the summons.
- ⊗ Revising Standing Orders. NALC’s Legal Topic Note 5 (February 2015 revision) para 19 refers to their model Standing Order 15bi which contains alternative paragraphs depending on whether postal, hand or email delivery of summons is used. NALC advise that both paragraphs can now be adopted as either means of service is permissible in law.

Date: 30 January 2015 came into force

References to local councils: 2

Pages: 4

Town Clerk

SUMMONS TO ATTEND MEETINGS

Consent under Local Government Act 1972 sch 12 para 10(2)(b)

I give my consent to the summons to attend meetings to be transmitted in electronic form to the electronic address given below. This consent will continue until I give notice to you withdrawing my consent. I shall inform you of any change of electronic address.

e-mail address: @berkhamstedtowncouncil.gov.uk

Signed

Dated

Explanatory note

The Local Government Act 1972 sch 12 para 10(2) requires the Proper Officer of the Council to send to each member of the Council or committee (as the case may be) a summons to attend meetings of the parish council or the committee at least three clear days before the meeting. The summons must be left at or sent by post to the member's usual place of residence or, with the consent of the member, in electronic form to the member's e-mail address.

Addition to Standing Orders to facilitate electronic service of summons to meeting

5B The Council's Proper Officer shall sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting.

OR

Upon the Council having first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient, electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer



**HERTFORDSHIRE
CONSTABULARY**

**SAFER
NEIGHBOURHOODS**
Reducing crime, catching criminals and keeping people safe

FC 63/15
**Police and Crime
Commissioner**
for Hertfordshire

Berkhamsted – 1st April 2015 – 30th April 2015

Offence	No. in Parish	No. in Dacorum
Dwelling Burglary	2	
Burglary Other	8	
Criminal Damage	5 + 1 x Damage Arson	
Vehicle Crime	17	
Anti-Social Behaviour		
Other	24	

For more details on crime in your area please visit www.police.uk. Enter a postcode to see the 'crime map' for the local area.

Outcomes

- Offender charged with Racial/Religion harassment/alarm/distress
- Offender charged with assault
- Offender cautioned for theft from shop
- 5 x charged for Public order offences
- 1 offender charged with Obstruct Police

Other News

PCSO's from Berkhamsted Safer Neighbourhood Team have been out in the town recruiting for the Police's on line watch link (OWL), with 122 new member signed up for the month of April. This will continue in May and If you would like to sign up to receive up-to-date information, crime prevention advice and news direct from Hertfordshire Constabulary please contact one of the local PCSO's on 101 or visit Hertfordshire Constabulary's web-site for more information.

Useful information



You can follow your local team on Twitter @hemelwestpolice

Visit www.herts.police.uk where you can find the latest police and crime news, crime prevention advice and people wanted by police.

Police non-emergency number 101. (In an emergency always use 999).
Contact Crimestoppers anonymously with information about crime on 0800 555 111.