

HAVERHILL TOWN COUNCIL

TOWN COUNCIL

Dear Councillor,



You are hereby summoned to attend the meeting of Haverhill Town Council to be held in The Haverhill Arts Centre, High Street, Haverhill, on **MONDAY 16th October 2017** commencing at 7.00pm for the purpose of transacting the following business:

CONSTITUTION: **Town Mayor:** **D Roach**
 Town Councillors: **A Bramwell, A Brown, J Burns,**
 M Byrne, J Crooks, P Fox, Q Fox, P Hanlon,
 B McLatchy, I McLatchy, B Robbins, L Smith,
 C Turner, A Williams, W Yang

This Meeting is open to the Press and Public

PRAYERS – Rev Canon Ian Finn, Mayor’s Chaplain

Councillors and members of the public not wishing to take part may remain in the lobby area and will be invited in at the end of prayers.

AGENDA

1. **Apologies for absence**
Please give any apologies to the office by 5.00pm of the day of the meeting.

2. **Declaration of interests and requests for Dispensations**
For members to declare any interests they may have on items on the agenda and agree any dispensations to stay.

3. **Minutes of the Full Council meetings held 25th September 2017**
To confirm the minutes of the two Full Council meetings held 25th September 2017 as a correct record.

4. **To deal with any urgent matters arising from the minutes not covered by this Agenda**

5. **Reports from the Police and Borough/County Councillors on issues pertinent to HAVERHILL and the PUBLIC FORUM**
 - a) Police Report – circulated ahead of the meeting, if available
 - b) County Councillors
 - c) Borough Councillors
 - d) Members of the public are welcome to make statements or put questions at this time.

6. **Mayor’s Report**
 - a) To receive a report from the Mayor on his engagements in September.

HAVERHILL ARTS CENTRE, HIGH STREET, HAVERHILL, CB9 8AR

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7. ONE Haverhill Partnership

- a) To receive a verbal report from Members and Clerk.

8. Adoption of Committee Reports

- a) Appeals Committee: To note that the Appeals Committee has not met since the last meeting of the Full Council.
- b) Finance Committee: To note that the Finance Committee has not met since the last meeting of the Full Council.
- c) Leisure and Community Committee: To move the adoption of minutes of the Leisure and Community Committee meeting held 12th September 2017.
- d) Personnel Committee: To note that the Personnel Committee has not met since the last meeting of the Full Council.
- e) Planning Committee: To move the adoption of the minutes of the Planning Committee meetings held on 8th, 29th August, 12th September 2017 and 3rd October.

9. To authorise payments

To authorise the following cheque lists:-

Date	Cheque Numbers	Value
20.09.17	BACS	3,723.95
20.09.17	011955	11.53
20.09.17	DD	209.52
25.09.17	BACS	1,157.52
25.09.17	DD	291.95
25.09.17	011956	4,322.53
	Total	9,717.00

10. General Data Protection Regulations 2018

To consider the arrangements required to enable the Council to meet the requirements of the GDPR 2018 (see attached, SEBC Paper on GDPR)

11. Local Government Act 1894

To approve a motion to be submitted to the Suffolk Association of Local Councils: "That the National Association of Local Councils accepts the interpretation by Marcus Jones, Minister for Local Government at the DCLG, that LGA1894 section 8(1)(i) does not constitute an absolute restriction upon Parish Councils providing funding for works on church buildings." (See Appendix 1)

12. Social Media Policy

To consider the adoption of the revised Social Media Policy. Attached

13. To receive urgent correspondence

To consider any urgent correspondence received after the agenda was published.

14. Date of Next Meeting

Monday 16th October 2017.

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15. **To Exclude the Press and Public (if required)**

To resolve that under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following items of business as publicity would be prejudicial to the public interest due to the confidential nature of the business to be transacted – Commercial & HR matters.

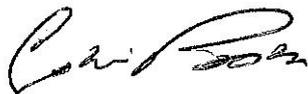
16. **Report from Corn Exchange Working Party**

- a) To receive a report, consider approval of actions taken.
- b) Authorise continuation of activity.

17. **Staffing Matters**

For any urgent matters.

18. **Closure**



Colin Poole
Haverhill Town Clerk

Date: 12th October 2017

Copies of this and other Council agendas, and minutes, and supporting reports, are available to download from the Council's website (www.haverhill-tc.gov.uk) or on request from Haverhill Arts Centre

Appendix 1
Local Government Act 1894

St Mary's Church approached Haverhill Town Council for financial assistance to install a roof alarm, to deter thieves from stealing the lead off the roof, something that has happened to many historic churches in Suffolk. However, the National Association of Local Councils, NALC, issues legal advice to us that:

Section 8(1)(i) and (k) of the Local Government Act 1894 gives parish councils the power:

“to execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of any of the foregoing powers, or in relation to any parish property, not being property relating to affairs of the church or held for an ecclesiastical charity; and... to contribute towards the expense of doing any of the things above mentioned, or to agree or combine with any other parish council to do or contribute towards the expense of doing any of the things above mentioned”.

I do not think that section 8 permits the council to contribute to the purchase of a roof alarm. I think that installing a roof alarm is caught by section 8 when the property relates to affairs of the church. The General Power of Competence permits a council to do anything an individual can do unless specifically prohibited by legislation, like section 8. Any limitation that applied to a local authority before the General Power was introduced, continues to apply.

It is therefore my view that the council cannot assist the church by providing funds for the purchase of a roof alarm.

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The Town Clerk disagrees with this interpretation of the Act as an absolute restriction on parish councils and is aware that many other parishes are frustrated too. The cost to the local community through the diversion of funds for many years to replace the lead on church roofs, and to everyone through increased insurance premiums, is a real issue and the fact we have to sit by and do nothing is frustrating and looks bad to voters. However, we now have a new interpretation, by the government itself.

July 2017: Sent from Marcus Jones MP, Minister for Local Government, DCLG to Brympton Parish Council, Somerset.

Having considered this issue further, I am now able to provide you with the more detailed response that I promised. It is my view that S.8(1)(i) of the Local Government Act 1894 does not constitute an absolute restriction on a parish council's ability to undertake or fund building, repair or improvement work on church property. Instead, the restriction relates only to the activities a council may undertake when exercising the specific power set out in that Act.

It is my view that a council with the general power of competence would be able to provide funding of the kind that Mrs James sets out in her letter of 11 May 2016. This is due to S.1(5) of the Localism Act 2011, which, when setting out the details of the General Power of Competence, states that "The generality of the power conferred by subsection (1) ("the general power") is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power".

However, as you know, I am unable to give an authoritative interpretation of legislation, as only the courts are empowered to do this. I therefore you that you and your constituent will find this informal advice helpful, but they may wish to seek their own legal advice before taking any action."

If NALC simply accept this interpretation, then parishes are free to support their community in this matter. Churches are used as community buildings for non-religious purposes more and more. Whilst the 1894 Act was put in place to protect civil funds from being swallowed up by the church, that was Victorian England which was dominated by the church. The motion, to be put at the Suffolk Association of Local Councils' AGM, would require NALC to rethink their interpretation. **Councillors are asked to consider approving submitting the motion for debate at the SALC AGM.**

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