



WAREHAM

Town Council

Town Hall
East Street
Wareham
Dorset
BH20 4NS

17 July 2024

To: All Members of the Council

YOU ARE HEREBY SUMMONED TO ATTEND a meeting of the **WAREHAM TOWN COUNCIL** to be held on **TUESDAY 23 JULY 2024** in the Council Chamber, Town Hall, East Street, Wareham at **7.30pm** (or on the rising of the Planning and Transport Committee if later) for the purpose of transacting the business set out in the agenda below.

All members of the public are welcome to attend.

Nicola Gray
Town Clerk

Please contact the Town Hall Office (01929 553006) if you need further information on this agenda.

Members of Wareham Town Council

Councillor M Cotton (Mayor)
Councillor Z Gover (Deputy Mayor)
Councillor D Budd
Councillor D Cleaton
Councillor K Critchley
Councillor A Dallimore
Councillor I Davey
Councillor B Dean
Councillor S Dean

Councillor V Green
Councillor M Hill
Councillor R Holloway
Councillor L Kirk
Councillor D Robinson
Councillor M Tighe
Councillor S Wheatley

1. Apologies for absence

To receive, and consider for acceptance, apologies for absence. (LGA1972 s85)

2. Declarations of interest

To declare any interests relating to the business of the meeting and receive any dispensation requests from the Clerk. (Localism Act 2011 s29-34)

3. Public participation time

An opportunity for members of the public to raise issues of concern or interest, ask a question or make a statement or present a petition or be part of a deputation. Public participation time will be conducted in accordance with the Council's 'Policy for Public Participation Time' which is limited to 15 minutes, with no individual speaker exceeding a maximum of three minutes each. (LGA1972 s100)

4. Confirmation of minutes of previous meeting held on 25 June 2024

To confirm, as a correct record, the minutes of the previous meeting of the Committee (LGA1972 sch12).

5. Matters arising from the minutes of the last meeting held on 25 June 2024

To consider any matters arising from the previous minutes of the Committee.

6. Reports by the Dorset Council Ward Councillors and representatives on outside bodies

To receive the written report of the Dorset Ward Councillors and any further written reports from Town Council representatives on outside bodies.

7. Payment of outstanding creditors – TO FOLLOW

To receive the list of outstanding creditors and balances due for payment including reports of any outstanding payments made, note any queries and approve payments. (LGA1972 s150).

Queries on payments should be notified to the Clerk in advance of the meeting as the financial systems of the Council will not be available for interrogation at the meeting.

8. To receive such communications as the Town Mayor may wish to place before the Council

9. Reports of Committees and Sub-Groups

- a) Planning and Transport Committee – 11/06/2024
- b) Policy, Resources and Finance Committee – 26/03/2024

10. Standing Orders

To consider and agree the amendments to the Standing Orders approved at the Annual Town Council meeting in May 2024.

11. Terms of Reference

To approve the Terms of Reference of each committee, as recommended by the Policy, Resources, & Finance Committee.

12. Traffic Regulation Order

To review and approve the Traffic Regulation Order (TRO) completed by Dorset Council.

13. Parking Enforcement – Howard’s Lane Car Park

To consider and approve the outline Service Level Agreement for parking enforcement by Dorset Council and approve the £1,300.00 annual management fee payment being requested.

14. Deputy Town Clerk Appointment

To note the appointment of the Deputy Town Clerk.

15. Grounds Person Appointment

To note the appointment of a seasonal Grounds Person.

16. Town Council Action List

To note the actions and progress from previous Town Council and Committee Meetings.

17. Museum Manager Report

To note report of Museum Manager.

18. Town Clerk’s Update - Verbal

To note update from Town Clerk.

19. Any other items the Mayor deems urgent

For report, information or for the agenda at the next meeting. Councils cannot lawfully decide items of business which are not specified in the summons/agenda (LGA1972 sch 12, paras 10(2)(b) and Longfield Parish Council v Wright (1918) 88 LJ Ch 119).

20. Date of next meeting

To note the date of the next meeting, which is scheduled for **Tuesday 28 August 2024 at 7.30 pm.**



Minutes of a meeting of the Town Council held on 25 June 2024 in the Council Chamber, Town Hall, East Street, Wareham at 7.30pm.

Members Present: Councillors M Cotton (Mayor), Z Gover (Deputy Mayor), D Budd, D Cleaton, K Critchley, I Davey, B Dean, A Dallimore, S Dean, V Green, M Hill, R Holloway, L Kirk, D Robinson, M Tighe.

Officers present: N Gray, Town Clerk & RFO

TC 019/24 Apologies for absence

Apologies were received and accepted from Cllr Wheatley.

TC 020/24 Declarations of interest

There were no declarations of interest.

TC 021/24 Public participation time

There were 5 members of the public present. A representative from Wareham Town Trust spoke about the Railway Crossing, providing a history of how the current situation had arisen, and asking for the Council to give its support.

TC 022/24 Confirmation of the minutes of the previous meeting

Cllr S Dean noted the members of the Wareham Joint Burial Committee should be Cllr B Dean.

It was **RESOLVED** the minutes of the meeting of the Town Council held on 14 May 2024 be **APPROVED** subject to the above amendment and would be signed by the Mayor following the meeting.

TC 023/24 Matters arising from the minutes of the previous meeting

There were no matters arising.

TC 024/24 Reports by Dorset Councillors and representatives on outside bodies

The report from Dorset Councillor, B Ezzard was NOTED.

TC 025/24 Payments for outstanding creditors

Members considered the list of payments for approval.

It was **RESOLVED** that payments in the sum of £48,074.89 be approved.

TC 026/24 To receive such communications as the Town Mayor may wish to place before the Council

There were no communications placed before Council.

TC 027/24 Reports from committees and sub-groups

The minutes from the following meetings were NOTED:

- a) Amenities Committee – 10 April 2024
- b) Museum Committee – 13 March 2024
- c) Personnel Committee – 19 March 2024
- d) Planning and Transport Committee – 1 May 2024

- TC 028/24 Council Representative for Wareham Town Band**
- It was **RESOLVED** that Councillor Robinson be the Council's representative for Wareham Town Band.
- TC 029/24 Wareham Town Council Action List**
- Cllr Budd noted a minor amendment to the last item which required correction.
- The Action List was NOTED.
- TC 030/24 Bank Reconciliation – March 2024**
- It was **RESOLVED** to **APPROVE** the bank reconciliation for March
- TC 031/24 2023-2024 Annual Budget Review**
- The Clerk presented the report noting the positive end of year position for the Council and advised that the creation of an earmarked reserve for the Howard's lane Public Toilets rebuild would be prudent as it would negate the need to acquire a Public Works Loan. Members noted the positive figures and considered the recommendation.
- It was **RESOLVED** to create an earmarked reserve of £100,000 to be combined with the CIL monies already held to enable the Howard's Lane Public Toilets to be demolished and rebuilt.
- TC 032/24 Internal Audit Report**
- Clerk presented the Internal Audit Report for 2023/24 financial year noting the issues raised by internal auditor, explaining that the minor issues had been dealt with on the day and the auditor had been happy with this.
- The Internal Auditors comments in respect of the Burial Committee's impact on the Town Council's year-end finances were considered and noted, and Cllr Critchley, as Chair of the Burial Committee, agreed the matter needed some careful consideration, but a meeting with the Clerk's from the two other authorities should be the first course of action. The Clerk noted she did not intend to deal with the matter in the immediate future, but that it would need to be addressed before the end of the current financial year given the Internal Auditors comments.
- The report was RECEIVED and NOTED.
- TC 033/24 Annual Governance Statement**
- The Clerk presented the Annual Governance Statement for the year ending 31 March 2024, noting it would be signed in the meeting if approved as it formed the documents which would be submitted to the External Auditor.
- The Annual Governance Statement for 2023/24 was **APPROVED** and duly signed by the Mayor and Clerk.
- TC 034/24 Accounting Statements**
- The Clerk, as the Responsible Financial Officer (RFO), presented the Accounting Statements for 2023/24, noting they had been restated because of both the Wareham Burial Joint Committee finances, which are managed by the Wareham

Burial Joint Committee and the revised Asset Register which had been thoroughly checked and moved onto Scribe Accounts from Excel.

As Responsible Financial Officer, the Clerk had correctly signed the Accounting Statements when they had been prepared in readiness for the meeting.

The Accounting Statements for the year ending 31 March 2023 were **APPROVED** and duly signed by the Mayor.

TC 035/24 Notice of Public Rights

The Clerk confirmed the dates for the Notice of Public Rights and Publication of the Unaudited Annual Governance and Accountability Return would be from Thursday 27 June 2024 to Wednesday 7 August 2024, with the notice being published on Wednesday 26 June 2024.

The Notice of Public Rights was **NOTED**.

TC 036/24 To Declare any Conflicts of Interest with the External Auditor, BDO LLP

The Clerk advised the Auditors, BDO, required that all Councils being audited confirm whether they had any conflicts of interest with BDO, and that a resolution be made accordingly.

It was **RESOLVED** that there were no conflicts of interest between the Council and BDO.

TC 037/24 Town Clerk's Update

The Clerk noted that staff were very stretched with only one Groundsman working across the following 2 weeks, because of one being on long term sick and another on leave. The Deputy Clerk was also on leave for the week and the new Museum manager would be commencing the following Monday.

The Museum Manager was already making plans and communicating with the volunteers before his official start date to facilitate a smooth transition into the role.

The Clerk noted the busy time that she had been experiencing whilst dealing with year-end finances, Internal Audit and preparing for external audit, as well as dealing with the recruitment of two posts, in addition to the day-to-day issues which were ongoing.

TC 038/24 Wareham Railway Crossing

The Clerk noted the Town Trust's document in respect of the Railway Crossing had been circulated the previous week and the agenda item was to formalise the position of the Council. A paper from the representative of Town Trust was also tabled.

Cllr Budd spoke in favour of the crossing.

Cllr Critchley supported the position and noted its inclusion in the Neighbourhood Plan. He suggested the Town Council make an approach to meet with Network Rail and Dorset Council to discuss the issue, and with the portfolio holder at Dorset Council as the lease is coming to the end of its life.

Cllr Holloway supported the importance of the crossing noting Dorset Cllr John Andrews was the new Portfolio holder and Cllr Holloway had spoken with him. Cllr

Andrews had confirmed his diary was quite full as a result of the impact of the general election, but he would be writing to the next elected MP for the area when it was known who that would be.

Cllr Davey asked what would happen if a meeting were refused and whether they could they be forced to meet with their lack of engagement being publicised. Cllr Critchley noted the Office of Rail Regulation would not like the publicity, but also noted the consultation had not yet been published.

Cllr Holloway noted there was still no update on the consultation and feedback had yet to be received.

Councillors discussed the history of the crossing with all agreeing the matter was important for the town.

It was **RESOLVED** to reaffirm the support of the Town Council for the reinstatement of the crossing and to pursue the required meetings going forward.

TC 039/24 Any other items the Mayor deems urgent

There were no matters deemed urgent.

TC 040/24 Date of next meeting

It was noted that the next meeting of the Town Council was scheduled to be held on Tuesday 23 July 2024 at 7.30pm or on the rising of the Planning and Transport Committee.

TC 041/24 To Resolve to exclude members of the press and public

It was **RESOLVED** that under Section 1(2) of the Public Bodies (Admissions to Meetings) Act 1960, the press and public be excluded from the meeting as publicity would be prejudicial to the public interest because of the nature of the business to be transacted

TC 042/24 Wareham Town Museum

Several members commented in support of investigating the option placed before them.

It was **RESOLVED** to allow the Clerk to progress with the option.

Mayor..... Date.....



Minutes of a meeting of the Planning and Transport Committee held on Tuesday 11 June 2024 in the Council Chamber, Town Hall, East Street, Wareham at 7.00pm.

Committee Members Present: Councillors B Dean (Chair), D Robinson (Vice Chair), D Budd, A Dallimore, S Dean, M Hill, M Tighe.

Officers present: N Gray, Town Clerk & RFO, G Pettifer, Deputy Town Clerk

P&T 001/24 Election of Chair

In the absence of the previous chair who had not stood for election, and the deputy chair, who had not opted to sit on the Planning and Transport Committee, the Committee elected Councillor Robinson to take the chair for the purposes of overseeing the first item on the agenda.

It was **RESOLVED** that Cllr B Dean be elected as chair of the Planning and Transport Committee.

Cllr Dean thanked the Committee for their support.

P&T 002/24 Election of Vice Chair

It was **RESOLVED** that Cllr D Robinson be elected as deputy chair of the Planning and Transport Committee.

P&T 003/24 Apologies for absence

Apologies for absence were received and accepted from Cllr D Cleaton.

P&T 004/24 Declarations of interest

There were no declarations of interest.

P&T 005/24 Public participation time

There were four members of the public present who did not speak.

P&T 006/24 Confirmation of the minutes of the previous meeting

It was **RESOLVED** that the minutes of the meeting held on 1 May 2024 were approved subject to the above amendments and would be signed by the Chairman following the meeting.

P&T 007/24 Matters arising from the minutes of the previous meeting

There were no matters arising.

P&T 008/24 Planning Applications

The following planning applications were received from Dorset Council, in its capacity as the local Planning Authority, for Wareham Town Council to consider:

Application Number: P/HOU/2024/02889
Location: 55 Sandford Road Wareham BH20 4DQ
Proposal: New porch, rooms in the existing roof with new dormer, internal alts and change in fenestration

Decision: NO OBJECTION

Application Number: P/HOU/2024/02626
Location: 20 West Mill Crescent Wareham BH20 4BW
Proposal: Erect rear extension to bungalow, demolish garage store

Decision: COMMENT – The window on the South side could be considered overlooking and should be noted when the application is considered.

Application Number: P/HOU/2024/02977
Location: 108 Wessex Oval Wareham BH20 4BS
Proposal: Single storey rear first floor extension, create additional first floor habitable accommodation and front porch and internal alterations

Decision: OBJECTION – the building is in close proximity to surrounding neighbours and with the roof line being raised is overbearing and considerably overlooks the neighbours.

Application Number: P/FUL/2024/02407 AND P/LBC/2024/02624
Location: 51 North Street Wareham BH20 4AD
Proposal: Change of use of ground floor to residential dwelling. Replace existing single storey lean-to extension and internal alterations ensuring all heritage features are preserved.

Decision: COMMENT – Policy TC1 - Safeguarding Retail Provision within the Town Centre, as contained in the Wareham Neighbourhood Plan and, Chapter 5 - Economy and Retail Section of the Purbeck Local Plan. As the loss of a retail unit in the Town Centre is opposed to both the local plans the Town Council objects to the application. Furthermore, the listed building application makes no mention of the loss and removal of the historic fabric of the building.

Application Number: P/HOU/2024/02048
Location: 7 Bells Orchard Lane Wareham BH20 4HP

Proposal: Loft conversion with dormer window to the rear and 3 flush skylights to the front

Decision: NO OBJECTION

Application Number: P/NMA/2024/02658
Location: 78 Northmoor Way Wareham BH20 4EG
Proposal: Non material amendment to Approved P/A P/HOU/2023/04635 (Two storey side extension and single storey rear extension with roof terrace and privacy screens) to clad first floor extension in wood, remove the rear and side parapets and have fascia board at rear, reduce size of upstand angled skylight and remove the bay window to the study

Decision: NOTIFICATION ONLY

Application Number: P/TRT/2024/02409
Location: 15 Stowell Crescent Wareham Dorset BH20 4PT
Proposal: T1 Liquidambar:
Reduce canopy by 2m all round. T2
Eucalyptus:
Pollard canopy to leave a new height of 8-10 metres from ground level.
T3 Holm Oak:
Fell to ground level.

Decision: FOR INFORMATION ONLY

Application Number: P/TRT/2024/02365
Location: 7 Frome Road Wareham Dorset BH20 4QA
Proposal: Cherry Tree:
Fell and replace.

Decision: FOR INFORMATION ONLY

P&T 009/24 Planning Decisions

The planning decisions report was noted.

P&T 010/24 Open Licence for Nina's Bistro, West Street, Wareham

It was **RESOLVED** to APPROVE the email communication which provided a majority decision to have no objection to the Open Licence.

P&T 011/24 Any other items the Chairman deems urgent

There were no items deemed urgent.



Minutes of a meeting of the Policy, Resources and Finance Committee held on 26 March 2024 in the Council Chamber, Town Hall, East Street, Wareham at 7.00pm.

Committee Members Present: Councillors K Critchley (Chairman), Cllr D Budd (Vice Chairman), Cllr M Cotton, Cllr Z Gover, Cllr V Green and Cllr D Robinson.

Officers present: N Gray, Town Clerk & RFO

PRF 097/24 Apologies for absence

Apologies were received and accepted from Cllr K Green, Cllr M Russell, and Cllr C Turner.

PRF 098/24 Declarations of interest

There were no declarations of interest.

PRF 099/24 Public participation time

There were no members of the public present.

PRF 100/24 Confirmation of the minutes of the previous meeting

It was **RESOLVED** that the minutes of the previous meeting of the Policy, Resources and Finance Committee, held on 13 February 2024, be **APPROVED**, and would be signed by the Chairman following the meeting.

PRF 101/24 Matters arising from the minutes of the previous meeting

Cllr Budd asked what the position was in respect on Minute No. PRF 091/24. The Clerk advised that, until the year end had been completed, there was no confirmation as to any available funds and it would be sensible for Council to receive the report on year-end figures before any decisions were made.

PRF 102/24 Payment of outstanding creditors

Cllr Robinson asked if the cost of the bench on the payment list would be offset by a payment coming in from a resident, in accordance with the Street Furniture policy. The Clerk confirmed the money had been received from a member of the public some time ago and the purchase had been delayed by third parties.

It was **RESOLVED** that the payments to creditors in the sum of £34,069.62 be **APPROVED**.

Cllr Cotton requested that Groundsman S Thomas be thanked for his work done on servicing the Council vans as this had saved the Council quite a lot of money, and the skills of the team should be recognised.

It was **RESOLVED** that the Clerk pass on the Committee's thanks to S Thomas for his work on the Council vans.

PRF 103/24 Bank Reconciliation – February 2024

It was **RESOLVED** to approve the bank reconciliation for February 2024, which was signed by the Chairman.

PRF 104/24 Traffic Regulation Order and Enforcement

It was noted that Cllr Robinson had raised a number of questions in respect of the proposed TRO, and the Clerk confirmed she had responded, but provided a precis of the responses as Cllr Robinson had not seen the reply.

It was **RESOLVED** to APPROVE the drafting of a new Traffic Regulation Order for Howards Lane Car Park by Dorset Council, the cost being taken from any funds remaining in the 2023/24 financial year *Professional Fees* cost centre and *Legal Costs and Fees* budget line, with the remainder taken from the same budget in the 2024/25 financial year.

PRF 105/24 Any other items the Chairman deems urgent

The Clerk noted the email exchange she'd had with Dorset Council in respect of the replacement street lighting, noting that there had been no response to date, and she would pursue this again.

The Clerk reported the Rugby Club lease had been signed, sealed and exchanged, so the matter was now closed.

PRF 106/24 Date of next meeting

It was noted that the next meeting of the Policy, Resources and Finance Committee would be confirmed at the Annual Town Council Meeting following the election.

Chairman.....

Date.....



WAREHAM TOWN COUNCIL – REPORT

Meeting Date: 23 July 2024

Agenda Item: 10

Subject:	Standing Orders
Prepared by:	Nicola Gray, Town Clerk & RFO
Purpose of Report:	To consider and agree the amendments to the Standing Orders approved at the Annual Town Council meeting in May 2024.
Background:	<p>The Annual Town Council meeting must approve Standing Orders at the annual meeting, and it had already been identified and shared with Council prior to the election that the Standing Orders which had been in place were not compliant with LGA 1972. It was recommended to adopt the NALC model Standing Orders, which nearly all Town and Parishes do adopt.</p> <p>There had been some debate around matters which were not included in the model Standing Orders, such as the cultural/Civic matters, which were within the previous Standing Orders. They have been drawn out and are listed below for members to decide whether they wish to include them within the model Standing Orders or not.</p>
Key Points:	<p>It is worth noting that some items are not necessarily Council business, but are ceremonial, which would be better placed within a “Civic Procedure” document rather than Standing Orders.</p> <p>The model Standing Orders are deliberately kept vague on some matters to enable Town and Parish Councils to be flexible in their approach within the confines of the LGA 1972.</p> <ul style="list-style-type: none"> • The Mayor Making was carried out legally compliant in 2024, with the ceremonial elements remaining as per the extract below but following the formal business of Council on a previous date. The ceremonial part is a civic procedure rather than a matter of Council business. <p>Civic Business: Mayor Making</p> <ol style="list-style-type: none"> a) <i>Outgoing Town Mayor takes the Chair.</i> b) <i>A prayer may be said by the town Mayors Chaplain before the meeting Commences.</i> c) <i>Address by the out-going Town Mayor including the presentation of cheques.</i> d) <i>Outgoing Town Mayor to open the meeting.</i> e) <i>Election of Town Mayor for the new civic year.</i> f) <i>The Town Mayor makes the Statutory Declaration of Acceptance of Office.</i> g) <i>Apologies for absence.</i> h) <i>Declarations of interest.</i> i) <i>Vote of thanks to the outgoing Town Mayor.</i> j) <i>Incoming Mayor presents outgoing Mayor with Past Mayor’s Badge.</i> k) <i>Mayor may declare a Town Mayor’s Escort (presentation of Badge).</i> l) <i>Mayor may declare appointment of Town Mayor’s Chaplain.</i>

- m) *C Mayor may confirm appointment of Officials: Sergeant at Mace, Mayor's Constables, Town Crier, Mayor's Guide, Mayor's Scout, Mayor's Air Training Cadet and Mayor's Boys Brigade & Girls Association Cadet.*
 - n) *Election of Deputy Town Mayor.*
 - o) *Presentation of Deputy Town Mayors Badge of Office.*
 - p) *Deputy Town Mayor may declare an Escort.*
 - q) *Presentation of Deputy Mayor's Escort with Badge of Office.*
 - r) *The new Deputy Town Mayor is invited to join those on the dais.*
 - s) *Town Clerk to confirm possession of regalia, deeds, and trust investments in custody of the Council and to confirm arrangements for insurance cover in respect of all insured risks.*
 - t) *Civic Service: announcement of date.*
 - u) *Town Mayor to adjourn the meeting to a day no later than the Tuesday immediately following the Annual Meeting of the Town Council.*
 - v) *Town Mayor invites guests to a Reception in the Corn Exchange.*
- The following was the element which should be conducted first to be legally compliant and is the business of the Council. But the election of the Mayor and Deputy Mayor should be the first items on the agenda, and this section is covered in model Standing Orders no. 5(j).

3.12 Business of the reconvened Annual Council Meeting

- a) *Apologies for absence;*
- b) *Declarations of interests;*
- c) *Public participation time;*
- d) *Confirmation of Minutes (which will be the Minutes of the last Council meeting of the previous civic year);*
- e) *Matters arising.*
- f) ***In an ordinary year of election of the Council to make arrangements to fill any vacancies left unfilled at the election by reason of insufficient nominations.***
- g) *To appoint the following Standing Committees and Panel of the Council and to appoint Members to serve on these bodies for the forthcoming Civic Year:*
 - *Policy, Resources and Finance Committee.*
 - *Amenities Committee*
 - *Planning and Transport Committee*
 - *Human Resources Panel*
- h) *To adjourn the meeting to enable Extraordinary Meetings of the Standing Committees and the Human Resources Panel to be held to elect their Chairman*
- i) *To appoint other Committees, Steering Groups, Panels or Working Parties and to appoint Members to serve on these bodies for the forthcoming Civic Year:*
 - *Museum Committee*
 - *Wareham in Bloom Committee.*
 - *Neighbourhood Plan Steering Group.*
- j) *To appoint representatives on outside bodies for Civic Year.*

k) *To conduct the ordinary business of the Town Council*

- Item 10 within the previous Standing Orders allowed a Mayor Elect to be put in place with certain restrictions as to who may be elected.

10.0 NOMINATION OF TOWN MAYOR AND DEPUTY TOWN MAYOR ELECT

10.1 Nomination of Town Mayor Elect

- a) *Nomination of the Town Mayor Elect shall be by rotation and in an order determined by the length of continual service commencing with the longest serving member and progressing until all members have had the opportunity to serve as Town Mayor whereupon the cycle recommences with the longest serving member save that a minimum length of continual service of four years has been served.*
- b) *In the event of two or more members having the same length of service, they shall be nominated in alphabetical order.*
- c) *Any member shall be free to decline the nomination whereupon the next in order shall be offered the nomination.*
- d) *The Town Mayor shall serve for one year.*

10.2 Nomination of Deputy Town Mayor Elect

- a) *Nomination as Deputy Town Mayor Elect shall follow the same procedure as set out in Standing Order 10.1, save that nominations shall commence with the second longest serving member, but subject to a minimum length of continual service of three years. After one year the Deputy Town Mayor shall be nominated Town Mayor Elect.*
- b) *The Town Clerk shall maintain a register listing Councillors in order of seniority from which he shall contact the next Councillor in line for the position of Deputy Town Mayor Elect to ascertain if he wishes to accept the nomination. If he declines the nomination the Town Clerk shall contact the next most senior Councillor until one is prepared to stand. The name of the nominee shall be stated in the agenda item.*

10.3 Nomination Meeting

Nominations for Town Mayor Elect and Deputy Town Mayor Elect shall take place at an Ordinary Council Meeting in February or March each year.

- This is in contravention to LGA 1972, which states:

15 Chairman and vice-chairman of parish council or meeting.

- (1) *The chairman of a parish council shall be elected annually by the council from among the elected councillors.*
- (2) *The election of a chairman shall be the first business transacted at the annual meeting of the parish council and if, apart from subsection (8) below, the person presiding at the meeting would have ceased to be a member of the parish council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.*
- (3) *In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.*
- (4) *The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.*

- Section 8.1 of the previous Standing Orders sets out the appointment of Committees, Sub-Committees and Sub-groups as follows.

8.4 Representation on Committees, Sub-committees and Sub-groups

Membership of all Standing Committees shall be allocated in proportion to the total number of seats held on the Council by each political party or other such grouping, the representatives being selected by their groups. This shall not apply to Sub-Committees or Sub-groups, but each group shall be represented if possible. Members with no political affiliation shall have equal rights with members of political parties.

- This has not been replicated within model Standing Orders and members need to decide whether this should be included or not.

The above matters are the only matters which have been drawn to the Clerk's attention as requiring consideration. Members may have other matters which need discussion, and they should raise these accordingly at the meeting.

At the recent Policy Resources and Finance Committee, it was questioned as to whether Committee Chairs should be elected at the first meeting of the municipal year, or at the Annual Town Council meeting. The Clerk advised in the meeting that best practice was for the Committee's to elect their own Chairs at their first meeting. The section is highlighted in the Standing Orders which are attached as Appendix 1, and the proposal is to remove 4(d)(iv).

Implications:	<p>Reputational – non-compliance with statute reflects badly on Town and Parishes, with a public perception of the Council not being trusted.</p> <p>Poor Governance – Non-compliant Standing Orders can lead to ineffective governance, as the council may not follow best practices or legal procedures for meetings, decision-making, and transparency.</p>
Recommendation:	<p>To consider the above items, and any others raised in the meeting, and agree which should or should not be included within Standing Orders.</p>



Wareham Town Council

Model Standing Orders

MODEL STANDING ORDERS 2018 (ENGLAND) — UPDATED APRIL 2022

National Association of Local Councils (NALC)
109 Great Russell Street
London
WC1B 3LD

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INTRODUCTION

This is version two of Model Standing Orders 2018 (England) updated on April 2022. Update to Model Standing Order 18 only.

How to use model standing orders

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

Drafting notes

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

For convenience, the word "councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

A model standing order that includes brackets like this '()' requires information to be inserted by a council. A model standing order that includes brackets like this '[]' and the term 'OR' provides alternative options for a council to choose from when determining standing orders.

1. RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair.
- h A councillor may move an amendment to his/her/their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:

- i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he/she/they last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she/they consider has been breached or specify the other irregularity in the proceedings of the meeting he/she/they is concerned by.
- q A point of order shall be decided by the chair of the meeting and his/her/their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her/their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chair of the meeting.

2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregards the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chair of the meeting.

- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- i A person shall raise his/her/their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chair of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his/her/their comments to the chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her/their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise**

- **his/her/their casting vote whether or not he/she/they gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.
- **s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his/her/their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
- **u A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her/their right to participate and vote on that matter.**
- **v No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.
- **w If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.**
- x A meeting shall not exceed a period of 2 hours.

4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - iii. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 7 days before the meeting that they are unable to attend;
 - iv. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
 - v. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
 - vi. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - vii. shall determine if the public may participate at a meeting of a committee;
 - viii. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - ix. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - x. may dissolve a committee or a sub-committee.

5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f **The Chair of the Council, unless he/she/they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her/their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless he/she/they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a new Chair of the Council has been elected. He/she/they may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j **Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:**
 - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his/her/their acceptance of office form unless the Council resolves for this to be**

done at a later date;

- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chair of a committee [or a sub-committee] does not call an extraordinary meeting within 3 days of having been requested to do so by 3 members of the committee [or the sub-committee], any 3 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

7. PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and, in any event, shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 9 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;

- iv. to refer a motion to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

11. MANAGEMENT OF INFORMATION

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**

- d **Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

12. DRAFT MINUTES

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she/they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his/her/their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
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- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

- b Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has a disclosable pecuniary interest. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- c Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has another interest if so required by the Council's code of conduct. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a

meeting of a committee;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 3 days before the meeting confirming his/her/their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Planning and Transport committee;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

(see also standing order 23).

16. RESPONSIBLE FINANCIAL OFFICER

- a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council’s receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council’s aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported andwhich includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as practicable after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. Council with a statement summarising the Council’s receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors for anticipated approval by the Council. The annual

governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;

- iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
 - f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

19. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of Council OR the Personnel committee is subject to standing order 11.
- b. The chair of the Personnel committee or in his/her/their absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk and RFO.
- c. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chair of the Personnel committee or in his/her/their absence, the vice-chair of the Personnel committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk and RFO relates to the chair or vice-chair of the Personnel committee, this shall be communicated to another member of the Personnel committee, which shall be reported back and progressed by resolution of the Personnel committee.
- e. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- f. In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

OR

[If gross annual income or expenditure (whichever is the higher) exceeds £200,000] **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 11.

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her/their personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

22. RELATIONS WITH THE PRESS/MEDIA

- a Requests from the press or other media for an oral or written comment or

statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

23. EXECUTION AND SEALING OF LEGAL DEEDS

See also standing orders 15(b)(xii) and (xvii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

The above is applicable to a Council with a common seal.

OR

Subject to standing order 23(a), any two councillors may sign on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

The above is applicable to a Council without a common seal.

24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a. Unless duly authorised no councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

26. STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

Terms of Reference Policy, Resources and Finance Committee

Purpose

The Policy, Resources and Finance (PR&F) Committee is the senior Standing Committee of Wareham Town Council (“the Council”). Its purpose is to suggest, advise on, decide on and implement all matters regarding policy, resources and finance, under its delegated powers, and to make recommendations to the Council on any matters requiring its attention.

Accountability

The PR&F Committee reports to and is accountable to the Council via the Chairman and shall operate in accordance with the Council Standing Orders.

Constitution

- The PR&F Committee shall be composed of a Chairman and Vice Chairman plus seven other Councillors.
- The Chairman and Vice Chairman shall be elected at the first meeting of the Committee following the Annual Town Council meeting.
- The Town Clerk shall act as Committee Clerk and general advisor.

Authority, Powers and Duties

- The PR&F Committee has delegated authority from the Council under Standing Order no.4 to make decisions i.e. by resolution, in accordance with its terms of reference.
- All powers shall be exercised in accordance with any Standing Orders, policy adopted, or directions given, by the Council.
- Under Standing Order no.4, the PR&F Committee is authorised to appoint sub-committees and sub-groups, e.g. working parties, for the purposes to be specified by the Committee.

Area of Responsibility

The PR&F Committee has the following areas of responsibility:

1. To advise the Council generally as to its policies.
2. To advise Council as to its finances and its use of all resources, excluding human resources, including the following:
 - Borrowing and investments;

- Review of financial regulations;
 - Land and property (leases, rents, disposal, etc.)
 - Legal proceedings, public relations;
 - Audit procedures and preparation of Audit Plan;
 - Tourism;
 - Crime prevention;
 - Bye-laws;
 - Determination of applications for donations (grants) from local groups and organisations.
3. To prepare and submit to the Council, in consultation with all other Council Committees, annual estimates of income and expenditure.
 4. To consider recommendations on all other matters unrelated to policy, resources and finance or matters which are not the responsibility of other Council Committees and Sub- committees and to make such recommendations as appropriate to the Council.
 5. To make recommendations to the Council on matters which are normally the business of the Town Council. Although not an exhaustive list, these may include:
 - Public relations;
 - Civic functions and hospitality;
 - Elections;
 - Financial Regulations;
 - Matters arising from any audit of the Council's accounts;
 - The employment of consultants or professional advisors and matters arising from such employment;
 - To recommend terms of reference of other Committees to the Council for adoption.

Town Council Annual Budget Requirement

Following annual receipt of Standing and Non-Standing Committees and Personnel Committee proposed budget, the PR&F Committee will prepare and submit to the Council a final proposed budget requirement for scrutiny by the Town Council, to include its own estimates of income and expenditure for the next financial year.

Review

Terms of Reference for the Policy Resources and Finance Committee shall be reviewed annually at the Council's Annual Meeting.



Terms of Reference for Amenities Committee

Purpose

The Amenities Committee is one of four Standing Committees of Wareham Town Council (“the Council”), together with the Policy, Resources and Finance Committee, Planning and Transport Committee and Personnel Committee. Its purpose is to manage and maintain the Council’s land, properties and community assets in conjunction with the administrative and grounds staff, and to advise the Council on any matters which may need its attention.

Accountability

The Amenities Committee reports to and is accountable to the Council via the Chairman and shall operate in accordance with the Council Standing Orders.

Constitution

- The Committee shall be constituted in accordance with Council Standing Order No. 4 and shall be composed of a Chairman and Vice Chairman plus five other councillors.
- The Chairman and Vice Chairman shall be elected at the first meeting of the Committee following the Annual Town Council meeting.
- A member of the Council’s administrative staff shall act as Committee Clerk and the Town Clerk is designated as Committee Adviser, attending meetings when necessary.

Authority, Powers and Duties

- The Amenities Committee has delegated authority from the Council under Standing Order No. 4 to make decisions i.e. by resolution, in accordance with its terms of reference, provided that any expenditure is within budget.
- All powers shall be exercised in accordance with any Standing Orders, policy adopted, or directions given, by the Council.
- under Standing Order 4 the Amenities Committee is authorised to appoint sub-committees and sub-groups e.g. working parties for the purposes to be specified by the Committee.

Committee Budget

The Amenities Committee will prepare and submit its estimates of income and expenditure for the next financial year and its budget requirement to the Policy, Resources and Finance Committee annually in November.

Review

Terms of Reference for the Amenities Committee shall be reviewed annually at the Council's Annual Meeting.

Areas of Responsibility

The Amenities Committee has the following areas of responsibility:

- Management and Maintenance of the following buildings:_
 - Town Hall including East Street Annex
 - Premises at 2 Mill Lane
 - Sports Pavilion and associated buildings at the Recreation Ground
 - Public toilets at Howards lane and The Quay

- Management and maintenance of the following land and associated facilities:
 - Howards Lane Car Park
 - Worgret Road Recreation Ground
 - Hauses Field public open space
 - Drax Avenue and Mistover Road play areas
 - Bestwall and Northmoor Allotments, in liaison with the self-management Committees
 - North Street War Memorial and garden
 - Miscellaneous open spaces

- Management of the following land as landlord
 - Purbeck View Park
 - Bestwall Rugby Ground

- Provision of new, and maintenance of the following facilities:
 - Public seats and other street furniture, not the responsibility of Dorset Council
 - Bus shelter on Northmoor Way
 - Town Council notice boards
 - Street lighting at Bestwall Crescent and North Bestwall Road

- Dealing with the following miscellaneous matters
 - Rights of way
 - Environmental issues
 - Arts and entertainment
 - Use of Council owned land for community events
 - Any relevant matters arising from Wareham Burials Joint Committee

This list is not exhaustive and may be added to from time to time, as circumstances dictate.



Terms of Reference Planning and Transport Committee

Purpose

Wareham Town Council (“the Council”) is an advisory body to the Planning Authorities (Dorset Council) for all planning applications that directly relate to the parish area. The Planning and Transport Committee is constituted to consider and respond on behalf of the Council to all applications for planning permission and planning appeals referred to the Council by the Planning Authority.

Authority, Powers and Duties

- (a) The Planning and Transport Committee has delegated authority from the Council under Standing Order No. 4 to consider planning applications referred from the Planning Authorities, and to make decisions in accordance with its Terms of Reference.
- (b) The Chairman and Vice Chairman shall be elected at the first meeting of the Committee following the Annual Town Council meeting and shall be composed of a Chairman and Vice Chairman plus six other Councillors
- (c) All powers shall be exercised in accordance with any Standing Orders, policy adopted, or directions given, by the Council.
- (d) All power and duties of a Town Council in respect of the powers conferred on it from time to time under the Town and Country Planning Acts and Orders and Regulations, including development management and the local plan process, remain with the full Council.

Areas of Responsibility

The following shall constitute the Planning and Transport Committee’s areas of responsibility:

Planning

- (1) To make observations to the Local Planning Authority on applications for planning permission which have been notified in accordance with the Local Government Act 1972, Section 20, Schedule 16 and other relevant legislation.
- (2) To make observations in respect of appeals against the refusal of planning permission.
- (3) To identify and make observations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations.

- (4) To monitor, review and where necessary make recommendations to the Council for amendments to the planning consultation procedure.
- (5) To deal with any other planning related matter that a meeting of the full Council considers appropriate to be referred to the Planning and Transport Committee.
- (6) To consider any other planning matter that relates to the parish of Wareham, at the discretion of the Chairman

Transport

- (1) Signage.
- (2) On street parking matters generally, including requests for additional yellow lines.
- (3) Traffic regulation orders notified by Dorset Council Highways.
- (4) Public transport matters.
- (5) Schedules of Works proposed by Dorset Council.
- (6) Public safety issues, including pedestrian crossings.
- (7) Consultations from other agencies.
- (8) To consider any other transport matter that relates to the parish of Wareham, at the discretion of the Chairman.

Other Areas of responsibility

- (a) To be concerned – in consultation with other committees – with the planning and conservation of Wareham Town.
- (b) To receive, consider and respond on behalf of the Council within the required timescales on any matters related to Licensing which may be referred to the Council for consultation by Dorset Council.
- (c) To consider any other matter relevant to the overall responsibilities of the Committee.

Planning Applications – Consultation Procedures

- (a) Planning applications shall be made available to committee members as soon as possible after receipt by the Town Clerk from the Planning Authority.
- (b) Planning and Transport Committee members may canvas opinion for and against the application and consult with other relevant bodies to assist with fair determination of applications prior to the committee meeting.
- (c) Site viewings may be arranged by the Chairman of the committee to assist in decision making (or the Vice-Chairman if the Chairman is not available), prior to the committee meeting. When a site viewing is arranged, all members of the committee shall be notified.
- (d) If the Committee considers a planning application to be of great importance to the town, needing a whole Council response, they may resolve to defer the decision either to the next full Town Council meeting or, if a time regulated decision is required, request the Town Mayor to convene a Special Meeting of full Council to decide the response.

- (e) The Planning and Transport Committee has an obligation to ensure that all comments received, prior to the meeting, from all relevant parties, applicants and objectors, for planning applications (not including enforcement notices) are considered at the meeting.

Responses

- (a) The Planning and Transport Committee will decide whether to recommend, support or make an objection, or if there is no recommendation to make in relation to each planning application.
- (a) The Clerk will convey the committee's recommendations to the Planning Authority, or other relevant body, and will ensure that these recommendations arrive within the timescale for each application so that these may be taken into account in the decision-making process.
- (b) Where an application is subject to an appeal, the committee is authorised to make written representation or to elect a member of the committee to attend the hearing.
- (c) Wherever possible, a member of the Planning and Transport Committee is to be nominated to attend the Planning Authority's Planning Committee meetings to represent the committee's views in respect of controversial planning applications.
- (d) All correspondence should be conducted through the Town Clerk wherever possible.

Delegation

In the event of a planning application being received within a timescale that does not fall within the committee cycle, it is delegated to the Town Clerk, in consultation with the Chairman and Vice Chairman, to determine if an extraordinary meeting is required to consider the application within the consultation period, or if the application can be determined under delegated powers. If the latter is agreed, it is delegated to the Town Clerk, in consultation with the Chairman and Vice Chairman of the committee to submit a formal response, recommending support or objection, to Dorset Council. In this event, this will then be reported to the next meeting of the Planning Committee.

Review

Terms of Reference for the Planning and Transport Committee shall be reviewed annually at the Council's Annual Meeting.

Terms of Reference for Personnel Committee

1. To consider all matters relating or leading to the employment of personnel by the Council.
2. To make resolutions (and recommendations direct to the Council where required) including, but not limited to, the following:
 - (a) Staff appointment, retention, conduct, disciplinary and grievance matters, suspension, termination and renewal of fixed term contracts (if any);
 - (b) The constitution of any appointments panel;
 - (c) The constitution of any disciplinary hearings, appeal panels and grievance panels;
 - (d) Preview annual staff appraisals/development reviews;
 - (e) Staff relations, including negotiations with recognised trades unions or employee representatives;
 - (f) Maintain contact with outside bodies who provide specialist advice and assistance in personal matters;
 - (g) Corporate policy matters relating to the employment, remuneration, health, welfare, safety and conditions of service (including superannuation);
 - (h) Provide estimated cost for committee member training to the Policy Resources & Finance Committee each November;
 - (i) Training and development of staff.

Delegation to Chairman

1. Authority to carry out annual appraisals of the Town Clerk in relation to performance, training, development and pay increments.
2. To call an extraordinary meeting should a situation warrant it.

Review

Terms of Reference for the Personnel Committee shall be reviewed annually at the Council's Annual Meeting.



WAREHAM TOWN COUNCIL – REPORT

Meeting Date: Tuesday 23 July 2024

Agenda Item: 12

Subject:	Traffic Regulation Order (TRO) – Howards Lane Car Park
Prepared by:	G Pettifer, Deputy Clerk
Purpose of Report:	To review and approve contents of Traffic Regulation Order (TRO).
Background:	<p>The Policy, Resources & Finance Committee approved (on 26 March 2024, Minute no. PRF104/24) to renew the Traffic Regulation Order in Howards Lane car park.</p> <p>Dorset Council have produced a draft TRO for Howards Lane car park. This is the first stage in a four-stage process - see Appendix 1 for process overview. Howards Lane TRO is currently in the first stage of the process.</p> <p>The TRO has been drafted and is contained in Appendix 2. Dorset Council are awaiting approval of the contents of the TRO.</p>
Key Points:	<p>The TRO was paid for under minute number PRF 104/24. Council now needs to review and approve the contents of the TRO (Appendix 2).</p> <p>Without a current and correct TRO parking restrictions cannot be enforced, which could lead to a loss of revenue for the Council.</p>
Implications:	Financial - Risk of financial loss if users of Howards Lane do not pay parking fees because they believe that restrictions are not being enforced.
Recommendation:	To approve contents of Traffic Regulation Order (TRO).

Appendix 1:

Traffic Regulation Orders (TRO) Process Overview

This document explains the current TRO process for consulting on and implementing permanent TRO's. Orders can be made for prohibiting, restricting, or regulating the use of a highway by traffic – which includes motor vehicles, bicycles, and pedestrians. TRO's follow a legal procedure.

Primary Consultation – Opportunity to identify and alleviate questions or concerns.



Public Consultation – Advertisement of proposal (minimum 21 days)



Authority to proceed - Obtained from Portfolio Holder for Highways, Travel and Environment via delegated powers (Executive Decision Notice)



Made Order – Order signed, sealed and operational date agreed.

Primary Consultation*

For a standard TRO, primary consultees are Dorset Police, Town/Parish Council, and the relevant Dorset Councillor/s. On occasion other internal teams may be included for information. Primary consultation allows for support or any views/concerns to be raised prior to public advertisement.

**Please note that at this stage information is not for public consumption.*

Public Consultation

There is a statutory requirement for public consultation to be undertaken from a minimum period of 21 days, which will include a notice in the local paper, notices placed on site and information accessible via our webpage for review.

Any comments raised during public consultation stage will be reviewed and decision taken whether to proceed, review, amend* or abort the proposal based on these comments.

**Please note proposals can be reduced however not extended. If more restrictions is the agreed outcome the process will start again.*

Authority to proceed.

Following public consultation schemes are presented to Portfolio Holder for Highways for Executive Decision to proceed. As above the decision may not be to proceed and could also include making modifications to the proposal or abandon the proposal altogether.

Should the proposal proceed as advertised the order will be uploaded to the executive decision notice page **insert link*.

Made Order

If approval has been agreed, the Order is then legally signed and sealed before it becomes operational. The 'Made' Order is then advertised again in the local press with details of the operational date.

Appendix 2:

**HOWARD'S LANE CAR PARK, WAREHAM
(OFF STREET PARKING PLACES)
ORDER 202***

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HOWARD'S LANE CAR PARK, WAREHAM (OFF-STREET PARKING PLACES)

ORDER 202*

Wareham Town Council in exercise of powers under Sections 35, 57 and 59 (and Part IV of Schedule 9) of The Road Traffic Regulations Act 1984 (hereinafter referred to as "the Act") and The Traffic Management Act 2004 (hereinafter referred to as "the Act of 2004"), the Local Government Act 1985 and all other enabling powers and after consultation with the Chief Officer of Police in accordance with Schedule 9 of the 1984 Act, and with the consent of Dorset Council given under Section 59 of the 1984 Act, hereby makes the following order;

PART I

INTERPRETATION

REGULATIONS AND COMMENCEMENT

1. The restrictions imposed by this Order are in addition to and not in derogation of any restrictions or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or any other enactment.
2. This Order may be cited as 'Howard's Lane Car Park Wareham (Off-Street Parking Places) Order 202*' and came into operation on the *****.

Part A DEFINITIONS

In this Order, unless otherwise stated, the following expressions shall have the meanings hereby respectively assigned to them:

“the Act” means the Road Traffic Regulation Act 1984 or any replacement, successor or amending legislation.

“the 1986 Regulations” means the Road Vehicles (Construction and Use) Regulations 1986;

“the 1988 Act” means the Road Traffic Act 1988;

“the 1994 Act” means the Vehicle Excise and Registration Act 1994;

“the 2000 Regulations” means the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“the Act of 2004” means the Traffic Management Act 2004 or any replacement, successor or amending legislation.

“Caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include:

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system or
- (b) any tent.

“Civil Enforcement Officer” or **“CEO”** has the same meaning as in section 76 of the 2004 Act.

“Coach” means a Public Service Vehicle as defined by Section 1(1)(a) of the Public Passengers Vehicles Act 1981, which is a vehicle constructed or adapted to carry more than eight passengers and used for carrying passengers for hire or reward.

“the Council” means Wareham Town Council.

“Day” the period of a ‘Day’ is defined as’ a continuous period of twenty-four hours from midnight to midnight.

“Disabled Person” means a Disabled Person of a description prescribed by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) or any re-enactment thereof.

“Disabled Persons Badge” or **“Blue Badge”** means a badge which:

- (a) issued, or has effect as if issued, to a disabled person or an institution under the Disabled Person (Badges for motor vehicles) (England) Regulations 2000 (as amended) or under regulations having effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
- (b) has not ceased to be in force.

“Disabled Persons Vehicle” means a Vehicle which:

- (a) displays in the Relevant Position a Disabled Persons Badge at all times whilst parked in a Parking Place. If the parking of the vehicle is subject to a maximum stay time limit, then a Parking Disc (on which the driver, or other person in charge of the Vehicle, has marked the time at which the period of waiting began) must also be displayed in the Relevant Position at all times whilst parked, and
- (b) is, in each case, a vehicle which, immediately before or after any period of waiting in a Parking Place, has been or is to be driven by a Disabled Person or, as the case may be, has been or is to be used for the carrying of Disabled Persons as passengers.

“Dispensation” means a valid dispensation issued by the Council for the purpose of exempting a vehicle from the parking restrictions set out at the location set out in the dispensation and used in accordance with its terms and conditions.

“Driver” means either the person driving the vehicle at the time it was left in the Parking Place or the Owner of the vehicle at the time the vehicle was so left.

“Electric Vehicle” means a vehicle in which the electrical motive power is derived from an electrical battery which is not connected to any source of power when the vehicle is in motion.

“Electric vehicle parking bay” means an area of the Parking Space provided solely for recharging the battery of an electric vehicle by means of an electric vehicle charging point and defined as such by means of a sign, surface marking or other indication.

“Front Side” means, the side which, in relation to the exhibition of:

- (a) A Blue Badge; Shows the wheelchair-users symbol, the expiry date, and the serial number of the Badge,
- (b) A Parking Clock/Disc; Can be set to show the vehicles time of arrival,
- (c) A Parking Ticket; Shows the details pertaining to that period of Pay and Display parking (the purchase time and/or expiry time of the ticket, the amount paid etc.),

“Invalid Carriage” (“**mobility scooter**”, “**motorised wheelchair**”) means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed and not merely adapted, for the use of a person suffering some form of defect or disability and is used solely by such a person.

“Length of vehicle” means the measurement from end to end of a Motor Vehicle including any attachments, such as bike racks, ladders, spare wheel, other.

“Local Authority” means a County Council, District Council, the Council of the Isles of Scilly, a London Borough Council or the Common Council of the City of London.

“Lorry” means a Motor Vehicle constructed or adapted for use for the carriage or haulage of goods or burden of any description or a trailer so constructed or adapted and includes a heavy commercial vehicle (a lorry having an operating weight exceeding 7.5 tonnes) as defined in Section 138 of the Act of 1984.

“Motorcycle” means a mechanically propelled vehicle (not being an Invalid Carriage), with fewer than four wheels of which the weight unladen does not exceed 410 kilograms.

“Motorhome” (includes **“Campervan”**, **“Caravanette”**, **“Motorcaravan”**) means “a vehicle constructed or adapted to include living accommodation which contains at least the following equipment:

- Seats and table
- Sleeping accommodation which may be converted from seats
- Cooking facilities
- Storage facilities

This equipment shall be rigidly fixed to the living compartment; however, the table may be designed to be easily removable.”

“Motor Car” and **“Car”** as described in the 1988 Act and includes any part of a vehicle.

“Motor Cars Towing Trailers”, **“Motor Cars Towing Caravans”**, **“Motor Vehicles Towing Trailers”** and **“Motor Vehicles Towing Caravans”** mean a Motor Car which is either attached to a Caravan or a Trailer or which has been used to either tow a Caravan or Trailer into a Parking Place or to alter the position of a Caravan or Trailer within a Parking Place.

“Motor Vehicle” means a mechanically propelled vehicle intended or adapted for use on roads (not including Invalid Carriage).

“Multiuse Bay” means an area within a Parking Place delineated by surface markings within which specified Motor Vehicles over 4.8 metres in length may be positioned and parked.

“Owner”, in relation to a vehicle, means the person by whom the vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (c. 22) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered.

“Parking Bay or Parking Space” means an area within a Parking Place delineated by surface markings within which a Motor Vehicle may be positioned and parked.

“Parking Clock/Disc” has the same meaning as the 2000 Regulations.

“Parking Place” means any area of land specified by name in Schedule 1 to this Order.

“Parking Ticket” means a valid parking charges ticket purchased from a Ticket Machine.

“Penalty Charge” and **“Reduced Penalty Charge”** mean, a charge set out by the Council under the provisions respectively of Sections 72 and 77 and of Schedule 9 of the Act of 2004, issued in accordance with Section 78 of the Act of 2004 and in accordance with guidance given by the Secretary of State for Transport, which is to be paid in the manner described in the Penalty Charge Notice within 28 days of the date of the notice or 14 days (21 days if imposed on the basis of a record produced by an approved device) of the date of the notice in the case of a Reduced Penalty Charge.

“Penalty Charge Notice” means an enforcement notice issued by an authorised person to a vehicle contravening any of the Articles within this Consolidated Order in accordance with the Act of 2004.

“Phone and Pay” means the system put in place by the Council in conjunction with a third party which enables a Driver to pay the required parking charge via the third parties payment system. Payment by this manner may incur an administrative fee to the Driver by the third party.

“Public Service Vehicle” means a vehicle as defined in Section 1 of the Public Passenger Vehicles Act 1981.

“Recharging post” means a device designed for the recharging of electric vehicles.

“Relevant Position” means, in relation to a Disabled Persons Badge, a Parking Clock/Disc, a Permit or Scratch Card Permit, a Season Ticket, a Concession or a Parking Ticket:

(a) Exhibited on the front windscreen, or on the dashboard or fascia, of the vehicle **OR**

(b) Where the vehicle either does not have a front windscreen, dashboard or fascia, or, where it would be impracticable to exhibit the Badge, Parking Clock/Disc, Permit, Concession or Ticket as provided in paragraph (a) above, exhibited in a conspicuous position on the vehicle, so that the details on the Front Side of the Badge, Parking Clock/Disc, Permit, Concession or Ticket are clearly legible from outside of the vehicle or, in the case of a motorcycle, from beside the vehicle.

“Solo Motorcycle” means a Motorcycle without a side car and having two wheels.

“Ticket Machine” means an apparatus or device designed to issue Parking Tickets indicating the payment of a charge and the date and time at which the charge was paid.

“Trailer” means an unpowered vehicle towed by a Motor Vehicle.

“Vehicle” means a vehicle intended or adapted for use on roads.

In the event that no definition of a term or wording is shown herein, the Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

**PART B
USE OF PARKING PLACES**

2. Use of Areas as Parking Places

2.1 Those areas of land more particularly referred to in column 1 of Schedule 1 are hereby designated as parking places pursuant to Sections 32 and 35 of the Act the said parking places to be used by the vehicles and in the manner hereinafter provided.

2.2 Each Parking Place may be used for the parking of such classes of vehicles, in such positions on such days and during such hours as are specified in relation to those areas in Schedule 1.

2.3 Where in Schedule 1 a parking place or part thereof is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not without the prior authority of any person authorised by the Council permit it to wait in that Parking Place:

- a) unless it is of the specified class; or
- b) in a position other than that specified

2.4 Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

2.5 The classes of vehicles permitted to use a Parking Place and the position in which they must wait within that Parking Place:

- a) Wherever parking bays are provided Motor Vehicles shall be positioned wholly within the markings of the Parking Bay or as directed by a CEO.
- b) Parking Place or certain areas or Parking Bays within a Parking Place may be marked as being reserved for the exclusive use of specific persons, Motor Vehicles or classes of vehicle, for use by vehicles being used for specified purposes, or for use only by vehicles which do not exceed a maximum weight and/or height and/or length. The markings may be in the form of surface markings or erected signs, may include common abbreviations and/or symbols and the restriction should be taken to apply at all times unless otherwise stated.

2.6 A driver shall not permit a vehicle to wait in that parking place which is:

- a) Not for the specified Motor Vehicle or of the specified class of vehicle, or
- b) Not for the Motor Vehicle of the user for whose use a parking bay has been reserved, or
- c) In excess of the maximum height and/or weight and/or length of vehicle permitted
- d) In a position other than that specified, unless the driver has obtained the prior authority of any person so authorised by the Council.
- e) In a position marked for use by an Electric Vehicle unless it is an Electric Vehicle which is charging using the apparatus installed and has paid the Council's tariff for duration of stay
- f) Without a valid vehicle excise licence, insurance, and MOT certificate
- g) In a position other than that specified.

- 2.7** In the case of parking bays reserved for use by disabled persons vehicles, a valid Disabled Persons Badge and Parking Clock/Disc (with the Clock/Disc set to show the time at which the period of waiting began) must be displayed, in the Relevant Position, on any motor vehicle parked within those bays and must remain so displayed until such time as the Motor Vehicle leaves that parking bay.
- 2.8** The owner of a Motor Vehicle may apply to purchase from the Council a Permit for the parking of that Motor Vehicle subject to the terms and conditions of each individual scheme and to the charges referred to in Schedule 2 to this Order.
- a)** A Permit shall be valid only in those Parking Places, on such days, between such hours and, if applicable, in such designated areas or Parking Bays within those Parking Places as are specified in Schedule 1 to this Order.
- b)** A Permit shall cease to be valid at the expiration of any period of validity specified thereon.
- 2.9** No Permit shall be issued when the number already issued is equal to the maximum number approved by the Council from time to time or to the maximum number of Parking Bays available for use by Permit Holders in a particular Parking Place.
- 2.10** The Driver of a Motor Vehicle for which a Permit has been issued in accordance with paragraph 2.8 shall ensure that the said Permit is displayed, on that Motor Vehicle, in the Relevant Position, at all times when it is parked in a Parking Place.
- 2.11** The driver of a Motor Vehicle shall not cause it to wait in a Parking Bay reserved for use by Permit Holders unless a Permit, valid for use in that Parking Bay and at that time, is clearly displayed on the vehicle, in the Relevant Position, at all times when it is parked in that Parking Bay.
- 2.12** The Council reserve the right to change or introduce new off street parking places permit parking schemes which may or may not to replace previous off street parking places permit schemes.
- 3. Maximum Period of Waiting**
- 3.1** The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in Schedule 1 in respect of that parking place nor permit the vehicle to return to the same parking place within the period specified in Schedule 1.
- 3.2** The period for which a vehicle may be left in a parking place after the penalty charge has been incurred shall not exceed twelve hours and the driver of the vehicle shall not leave it in a parking place for longer than the said period.
- 4. Charges**
- 4.1** The Council may, at its discretion, either waive charges or either temporarily or permanently change the days or hours of operation of a Parking Place, the scale of charges pertaining to the use of a Parking Place or the classes of vehicle, or the specific users, permitted to use the whole or any part of a Parking Place.

4.2 The Driver of a Motor Vehicle using any of the Parking Places specified in Schedule 1 of this Order shall:

a) If the Parking Place is subject to Pay and Display charges and has a Ticket Machine,

i. Immediately upon parking the Motor Vehicle, pay the required parking charge in accordance with the scale of charges relating to that Parking Place specified in Schedule 1 to this Order,

ii. The charge referred to in paragraph (i) above shall be payable either:

- By the insertion of the appropriate payment into the Ticket Machine provided for such purpose in order to obtain a Parking Ticket, or
- In the case of such Ticket Machines as have been designed, or adapted to accept such payments, by the making of a card payment in order to obtain a Parking Ticket, or
- Where it is indicated on the ticket machine that such payments are accepted, by making the payment by card via mobile phone. In this case, a Parking Ticket will not be obtained, the following provisions regarding the display of Parking Tickets will therefore not apply. Where this method of payment is used, reference to electronic proof of purchase will be the means of confirming compliance with the provisions of this Order with regards to the payment of parking charges.
- In the case of payment of the parking charge made using a card, an additional transaction fee may also be payable. If so, this will be stipulated on the Ticket Machine.
- In all three cases, payment is to be made in accordance with the instructions which are displayed upon the Ticket Machine, provided that, if at any time when a Motor Vehicle is left in any Pay and Display Parking Place:
 - a Driver is unable to obtain a Parking Ticket from a Ticket Machine, or a Ticket Machine carries a notice upon it stating that the Ticket Machine is out of order, the Driver of the Motor Vehicle shall proceed to pay the specified charge at one of the other Ticket Machines within that Parking Place or, where such payments are accepted, shall pay the parking charge via mobile phone.
 - every Ticket Machine within that Parking Place carries a notice stating that it is out of order, and where such payments cannot be made via mobile phone, an alternative parking location should be sort.
 - Drivers shall make top-up payments by ticket machine or mobile phone of an appropriate charge in the manner prescribed by notice at the ticket machine in or adjacent to that parking place in accordance with the Charges specified in schedule 1 and maximum period of wait specified in column 'Maximum Period of Waiting' of schedule 1.

- b) If a Parking Place which is subject to Pay and Display charges has no Ticket Machine or, where such payments are accepted, shall pay the parking charge via mobile phone.

4.3 The following exemptions from Pay and Display parking charges shall apply:

4.3.1 Disabled Persons Vehicles dispensations as specified in Schedule 1 of this Order.

4.3.2 A solo motorcycle, when using a pay and display Parking Place, is required to make full payment as per the charges set out in the scale of charges relating to that parking place in Schedule 1 of this Order. If there is an area within that Parking Place which has been specifically designated for the parking of that class of vehicle, it is parked wholly within that designated area then solo motorcycles are exempt from payment.

4.3.3 Emergency vehicles of the Fire, police, Ambulance and HM Coastguard services shall be exempt from the pay and display charges and/or from any maximum period of stay specified in the schedule to this Order whilst using the Parking Places specified therein, provided that they are in active use on service.

4.3.4 The foregoing exemptions to pay and display parking charges do not apply to the penalty charges or reduced penalty charges specified in Schedule 2 to this Order.

4.4 A parking ticket shall be valid for a parking place if and so long as the following conditions are satisfied:

4.4.1 the parking ticket is exhibited on the vehicle:

- a) by either sticking the parking ticket to the inside surface of the windscreen or by displaying the parking ticket inside the vehicle so that it is facing forwards and can be easily seen through the windscreen at the front of the vehicle,
- b) shall be so exhibited on the vehicle that the time shown on the front of the ticket is clearly visible to a person standing at the near side of the vehicle.
- c) the period applicable to the parking ticket, calculated from the date and time of purchase indicated on the parking ticket, has not expired.
- d) the parking ticket, which is non-transferable to any other parking place specified in 'Off Street Parking Place' column of Schedule 1, is used for the parking of one vehicle only (being the original vehicle for which it was purchased).

4.4.2 Where this method of payment is by Phone, reference to electronic proof of purchase will be the means of confirming compliance with the provisions of this Order with regards to the payment of parking charges.

5. Liability to a Penalty Charge

5.1 A penalty charge notice, in accordance with "the Act of 2004" and any other associated legislation shall be issued to a vehicle which breaches any of the regulations set out in Articles 2,3 and 4 of this order.

6. Payment of Penalty Charge

6.1 Parking contraventions and the level of charge applicable to each contravention shall be as set out in Schedule 2 to this Order.

6.2 Payment of the penalty charge shall be as set out on the reverse of the notice.

7. Restrictions on Removal of Tickets and Notices

7.1 When the ticket has been displayed on a vehicle in accordance with Article 4.4 hereof no person shall remove the ticket from the vehicle until the vehicle is removed from the parking place.

7.2 Where a notice has been attached to a vehicle in accordance with the provisions of Article 5.1 hereof, no person not being the driver of the vehicle or person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the driver and in any event the said notice shall not be removed from the vehicle until the vehicle is removed from the parking place.

8. Indications by Ticket Machines and Tickets as Evidence

8.1 Unless the contrary is proved: -

8.1.1 A valid Parking Ticket is not clearly displayed on the Motor Vehicle in the Relevant Position and, where such payments are accepted, the required parking charge has not been paid via mobile phone.

8.1.2 If at any time while a vehicle is left in the parking place there is displayed on the vehicle a ticket issued by a ticket machine indicating the day and the time of issue of the ticket and the time indicated on the ticket machine clock shows that the period for which the ticket is valid has expired it shall be presumed that the charge specified in Schedule 1 has been duly paid for the vehicle and that the period for which the payment was made by the charge has already expired.

8.1.3 If at any time there is waiting in a parking place a vehicle whereon there is displayed one or more parking tickets purchased from a parking place other than the parking place in which the vehicle is waiting it shall be presumed that no parking charge has been paid in respect of that vehicle.

9. Use of Vehicle Engines

9.1 The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in that parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

10. Prohibition of Sales etc

10.1 No person shall use a vehicle while it is in a parking place in connection with the sale or hire of any article to persons in or near that parking place or in connection with the selling or offering for hire of his skill or services otherwise than in accordance with a written consent of the Council.

10.2 No person shall in a parking place sell or hire any article to persons or sell or offer for hire his skill or services or that of any other person or do any other thing other than as authorised by this Order otherwise than in accordance with a written consent of the Council.

11. Removal and Disposal of Vehicles

11.1 Removal of Vehicle

11.1.1 Subject to the provisions contained within the Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007 and the proviso hereto when a vehicle is left in a parking place in contravention of any of the provisions of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the parking place.

11.1.2 Provided that when a vehicle is waiting in the parking place in contravention of the provision of Article 2.3 of this Order, a person authorised in that behalf by the Council, may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision. The driver of the vehicle shall be liable to pay to the Council such reasonable charges that the Council has incurred in altering the position of the vehicle in order that its position shall comply with the said provision set out in Article 2.2.

11.1.3 Any vehicle without either a valid vehicle excise licence, insurance or MOT certificate is subject to the Council's Abandoned Vehicles Policy.

11.2 Manner of Removal of Vehicles from Parking Places

11.2.1 Any person removing or altering the position of a vehicle by virtue of 11.1 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.

11.3 Safe Custody of Vehicles Removed from Parking Places

11.3.1 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of this Article, neither he nor the Council shall be liable for any damage which a vehicle may sustain in the course of such removal.

11.3.2 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 11.1 he or she shall make arrangements as may be reasonably necessary for the safe custody of the vehicle following such removal Section 101 and 102 of the Act shall be applicable by the Council in respect of the vehicle insofar as the Council shall desire.

11.4 Disposal of Vehicles Removed from Parking Places

11.4.1 After a vehicle has been removed from a parking place in accordance with the foregoing provisions of this Order the Council may dispose of the said vehicle in accordance with the provisions of Sections 101 and 102 of the Act.

11.4.2 Where any sum may be payable to the owner of a vehicle pursuant to Section 101 (5) of the Act and that sum of money is not claimed within the period of one

year as therein provided the said sum shall be paid into the General Rate Fund of the Council.

11.4.3 Where under the foregoing provisions of this part of this Order a notice is required to be or may be sent to a person, the despatching of such a notice by registered post or by the recorded delivery service shall be sufficient compliance with such provisions without proof of delivery.

12. Closure of Parking Places

12.1 Nothing in this Order shall prevent or otherwise restrict the power of the Council to close to the public the whole or any part of any parking place for any purpose or occasion as it shall in its absolute discretion deem proper either temporarily or permanently pursuant to Section 49(4) of the Act of 1984.

12.2 A driver shall not use a parking place when that parking place or any part thereof has been closed by the Council in accordance with this Article unless that driver is using the parking place for a purpose permitted by this Article or is authorised in writing by the Council to do so.

13. Vehicle to be Licensed

13.1 The owner/driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles (Excise) Act 1971 or any statutory re-enactment thereof and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the provisions of the Road Traffic Acts.

14. Restrictions on the Use of Parking Places

14.1 In a parking place no person shall:

14.1.1 erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council,

14.1.2 install tables, chairs, benches, or other similar items without the written consent of the Council,

14.1.3 light or cause or permit to be lit any fire,

14.1.4 affix or attach posters, bills or any advertising material whatsoever to either the walls or structure of that parking place or to any vehicle parked in that parking place,

14.1.5 operate any loudspeaker fitted in or fixed or connected to an authorised vehicle, wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of that parking place or residents or premises in the neighbourhood thereof,

14.1.6 use any part of it or vehicle left in it for camping purposes or overnight sleeping, cooking or sanitary purposes or for the purpose of carrying out any work of washing maintenance or repair to a vehicle parked thereon except such as may be reasonably necessary to enable the vehicle to be moved from the parking place.

14.2 In the event of the occurrence of any part of 14.1 of this Order, the Council will remove non-permitted items. The driver of the vehicle shall be liable to pay to the Council such reasonable charges that the Council has incurred in removing items or making good any damages sustained to the Parking Place.

15. Driving of Vehicles in Parking Places

15.1 No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in that parking place in accordance with the provisions of this Order or for the purpose of departing from that parking place.

15.2 Where in a parking place signs are erected, or surface markings are laid for:

- a) Indicating the entrance to or exit from; or
- b) Indicating that a vehicle using that parking place shall proceed in a specified direction within that parking place

15.3 No person shall drive or permit to be driven any vehicle:

- a) So that it enters that parking place otherwise than by an entrance so indicated or leaves that parking place otherwise than by the exit so indicated
- b) Or in a direction other than so specified.

16. Liable to Enforcement

16.1 Failure to comply with any provision of this Order will render the person liable to enforcement pursuant to the guidance issued under Part 6 of the Traffic Management Act 2004.

PART IV

SCHEDULE 1 - PARKING PLACES

Disabled badge holder dispensation: 3 hours free parking within a marked disabled bay, standard charges apply after 3 hours.

(1) Name of Parking Place	(2) Class of vehicle which may use Parking Place	(3) Position in which vehicle may wait	(4) Days of operation of Parking Place	(5) Hours of operation of Parking Place	(6) Days and Hours of charging	(7) Charges and maximum period for which vehicle may wait
Wareham Howard's Lane Car Park	All vehicles except: (a)Vehicles exceeding 3,500 kg maximum gross weight (b)Passenger vehicles adapted to carry more than 8 passengers'	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicles	All days	All hours	8.00am to 6.00pm	<u>Maximum Period of Stay</u> 4 hours no return within same charging period Up to 30 minutes £0.50

	exclusive of the driver					Up to 1 hour - £1.00
	(c)Caravans and trailers					Up to 2 hours - £1.50
	(d)Motorhomes					Up to 3 hours - £2.20
						Up to 4 hours - £3.50
						Up to 10 hours - £12

SCHEDULE 2 – OFF STREET PARKING PLACE PERMIT PARKING SCHEMES

Reserved Bay Parking Permit	Valid for reserved marked bays 1-7	£496 per Annum
Unreserved Bay Parking Permit	Valid for unreserved marked bays	£373

SCHEDULE 3 – PARKING CONTRAVENTIONS AND LEVEL OF CHARGE

Code	Description	Differential Level
70	Parked in a loading area during restricted hours without reasonable excuse	Higher
73	Parked without payment of the parking charge	Lower
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher
80	Parked for longer than the maximum period permitted	Lower
81	Parked in a restricted area in a car park	Higher
82	Parked after the expiry of paid for time	Lower
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower
84	Parked with additional payment made to extend the stay beyond time first purchased	Lower
85	Parked in a permit bay without clearly displaying a valid permit	Higher
86	Parked beyond the bay markings	Lower
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher
89	Vehicle parked exceeds maximum weight or height or length permitted in the area	Higher
90	Re-parked within one hour* of leaving a bay or space in a car park	Lower
91	Parked in a car park or area not designated for that class of vehicle	Higher
92	Parked causing an obstruction	Higher
93	Parked in car park when closed	Lower
94	Parked in a pay & display car park without clearly displaying two**** valid pay and display tickets when required	Lower

95	Parked in a parking place for a purpose other than the designated purpose for the parking place	Lower
96	Parked with engine running where prohibited	Lower

Given under the Common Seal of Wareham Town Council this day of 202*

The Common Seal of Wareham Town Council

was hereunto affixed in the presence of:

Wareham Town Council Town Clerk



WAREHAM TOWN COUNCIL – REPORT

Meeting Date: 23 July 2024

Agenda Item: 13

Subject:	Parking Enforcement SLA – Howards Lane Car Park
Prepared by:	G Pettifer, Deputy Clerk
Purpose of Report:	To consider and approve outline Service Level Agreement (SLA) with Dorset Council and £1,300.00 annual management fee payment.
Background:	<p>The Policy, Resources & Finance Committee approved (on 26 March 2024, Minute no. PRF104/24) to renew the Traffic Regulation Order in Howards Lane car park.</p> <p>The enforcement of the TRO is conducted by Civil Enforcement Officers (CEOs) employed by Dorset Council. A Service Level Agreement needs to be in place for CEOs to patrol Howards Lane car park and issue Penalty Charge Notices (PCN).</p>
Key Points:	<p>Dorset Council are going to charge a £1,300.00 annual management fee for parking enforcement.</p> <p>In previous years DC/WTC have operated on a <i>quid pro quo</i> basis. The price of a PCN has not changed for many years, however, and does not cover the cost of operating the CEO team. Along with the cost of the officer in the car park, DC must pay for the back-office team who manage appeals and systems, etc. Members of the Public are actively encouraged to appeal PCNs, which increases costs to DC.</p> <p>A copy of the outline Service Level Agreement is attached below.</p>
Implications:	<p>Budget: The £1,300 payment has not been budgeted.</p> <p>The annual fee can be paid from budget cost 'Profession Fees/(Code 25) 'Legal Fees & Costs' but this means this budget heading will be overspent for 2024/25.</p> <p>Legal: Without the Service Level Agreement in place parking enforcement of non-compliant vehicles cannot take place.</p>
Recommendation:	To approve outline Service Level Agreement and £1,300.00 annual management fee payment.

Summary of Dorset Council (DC) / WAREHAM Town Council (BTC) Car Park Service Level Agreement – Howard Lane Car parks

Dorset Council will:

1. Patrol the Car Parks once a week on different days weekly between 09:30 and 17:00 to check all vehicles parked in the car park for compliance with the Car Park Order. Issue Penalty Charge Notices (PCNs) to those vehicles found in the car park to be contravening the Car Park Order in accordance with our standard procedures (including court action). Income from PCNs will be kept by DC.
2. Promptly report any issues found in the car park that might affect enforcement or safety to BTC.

WTC will:

1. Replace the ticket machines and signage in the car park when necessary.
2. Arrange for a mobile telephone payment location to be created with and ensure that it works with DC enforcement system, paying any cost associated in setting this up.
3. Work with DC to ensure that a suitably worded order is maintained to enable the council to enforce in the car park. Paying fees for changes that are required.
4. Pay the Council a management fee of **£1300** per annum. The fee will be reviewed on 1st April each year and adjusted in-line with any changes in costs or income.
5. Carry out repairs to the machines, empty cash boxes and replace ticket rolls. Any potential issues that could affect enforcement must be reported to the DC.
6. Ensure that the car park surface and lines are maintained so that parking spaces are clear, and the area is safe to patrol in.
7. Ensure that any permit that are issued work with our enforcement system or are physical so can be seen by patrolling officers.

Other bits for SLA

12 months notice period either way.

Contacts

Dorset Council

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Service Manager

Michael Westwood

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Wareham Town Council



WAREHAM TOWN COUNCIL – REPORT

Meeting Date: 23 July 2024

Agenda Item: 14 and 15

Subject:	Deputy Town Clerk Appointment and Grounds Person Appointment
Prepared by:	Nicola Gray, Town Clerk & RFO
Purpose of Report:	To note the appointments recently made.
Background:	<p>The Deputy Town Clerk handed in her notice in April following successful recruitment to a parish nearer to where she lives. Recruitment has been taking place with 14 applications and 5 being offered interviews, one of whom failed to turn up.</p> <p>The Grounds Person post was agreed at the January Town Council meeting to appoint a fourth Grounds Person on a seasonal/annualised hours basis. 4 applications were received with 3 being offered interviews, with one failing to turn up.</p>
Key Points:	<p>The standard of applicants for both vacancies was very good, with the decision being quite a challenge for the Mayor, Chair of Personnel and the Clerk. However, the following appointments have been made:</p> <p>Mr Samuel Dickins as Deputy Town Clerk, appointed at SCP 27. Mr Warren Humphrey as a Seasonal Grounds Person at SCP 17.</p> <p>Both candidates are intending to commence in August, with a date yet to be agreed.</p>
Implications:	Both positions are within the budget set for 2024/25.
Recommendation:	To note the appointments made.

ITEM 16

ACTION LIST						
DATE OF MEETING	COMMITTEE	SUBJECT	MINUTE NUMBER	ACTION	PROGRESS & DATE COMPLETED	PROJECT OWNER/ RESPONSIBLE
09.07.24	Policy, Resources & Finance	Pavement Bollards – North Street & West Street	PRF 012/24	It was RESOLVED to approve recommendations from Planning & Transport Committee to purchase pavement bollards for North Street and West Street.	Awaiting Sen Tech Off - Team Ldr (Highways) Dorset Council to return from Annual Leave.	Deputy Clerk
09.07.24	Planning & Transport	Medscclinic - North Street	PT031/24	The Clerk was asked to make enquiries with Dorset Planning Department regarding whether new lighted signage on the Medsclicnc retail store, North Street, has planning permission.	Enquiries conducted. No planning permission evident. Planning Enforcement Enquiry Form completed 16 July 2024,.	Clerk
25.06.24	Full Council	2023-2024 Annual Budget Review	TC031/24	It was RESOLVED to create an earmarked reserve of £100,000 to be combined with the CIL monies already held to enable the Howard's Lane Public Toilets to be demolished and rebuilt.	Completed, reserve created.	Clerk/RFO
25.06.24	Planning & Transport	Bollards in North Street and West Street, Wareham, Dorset	P&T020/24	RESOLVED to recommend to Policy Resources and Finance the purchase of three bollards, recognising this would exceed the budget, with Dorset Council installing at their cost. A member of the public would be purchasing a fourth to be installed in West Street outside their property to stop the damage being caused, which Dorset Council would also install.	Sent to PR&F 9 July 2024.	Deputy Clerk

11.06.24	Amenities	Northmoor Wildlife Haven request for meeting	A008/24	RESOLVED that the Chair and Deputy Chair of Amenities Committee, along with the Chair of Wareham Community Growers and the Town Clerk, meet with representatives of Northmoor Wildlife Haven to discuss working arrangements with Wareham Town Council.	Meeting arranged for Monday 29 July at 2pm.	Deputy Clerk
11.06.24	Amenities	Remembrance Sunday - Road Closures	A009/24	It was RESOLVED to approve costs for Core Highways Ltd (Amberon) to perform traffic management and facilitate the rolling road closures in Wareham during the Remembrance Sunday Parade at a cost of £2539.80 (inc vat).	PO#185 issued 3 June 2024.	Deputy Clerk
11.06.24	Amenities	Remembrance Sunday - Road Closures	A009/24	It was RESOLVED to enquire with Core Highways Ltd (Amberon) about the costs of a five-year contract.	The following Email from Core Highways - 12.06.24 will be reported back to the next Amenities Committee re: Five year quote - <i>"Unfortunately we are unable to quote for years in advance for this as our rates change yearly"</i> .	Deputy Clerk

11.06.24	Amenities	Wareham Men's Shed	A010/24	RESOLVED to agree the facilitation of a building on the Town Council's leased property at the Rugby Club in principle and recommend to Full Council subject to further information.	Awaiting further information/claification from the Rugby Club.	Cllr Hill
11.06.24	Amenities	Hauses Field damaged play equipment	A011/24	It was RESOLVED to approve costs for repairs from Eibe Play Ltd of £2098.57 (ex vat). This expenditure would have to be taken from the general fund.	PO#198. Eibe lead time 6-12 weeks.	Deputy Clerk
14.05.24	Full Council	Review of Standing Documents set out in Standing Orders	TC 011/24	To review all relevant Policies, Land and Assets, Insurances, Procedures and Practices at future meetings of the Council as matters arise for review.	Some items will be on PR&F agenda 09/07/2024	Town Clerk/Deputy Clerk
14.05.24	Full Council	Review Terms of Refence for Committees	TC 015/24	To review the Terms of Reference of each committee at the first Policy Resources and Finance Committee (09.07.24) and return for approval at the Full Council.	Items on PR&F agenda 09/07/2024	Town Clerk
14.05.24	Full Council	Review Terms of Refence for Committees	TC 015/24	Add standing item on the Council agenda for the Museum Manager to make a report.	Item added to Full Council Agenda template from 23 July 2024.	Deputy Clerk
10.04.24	Amenities	Hauses Field/Daniel Drive ditch and scrub	A091/24	Appoint Contractor B (SDS Treeworks) at a cost of £510.00.	Works completed. PO#159	Deputy Clerk

26.03.24	PR&F	Traffic Regulation Order and Enforcement	PRF 104/24	to APPROVE the drafting of a new Traffic Regulation Order for Howards Lane Car Park by Dorset Council, the cost being taken from any funds remaining in the 2023/24 financial year Professional Fees cost centre and Legal Costs and Fees budget line, with the remainder taken from the same budget in the 2024/25 financial year.	PO#185 issued 3 June 2024 - DC are currently drafting and preparing the consultation.	Deputy Clerk
20.03.24	P&T	Traffic Damage to Housing in West Street	P&T 108/24	RESOLVED that the Clerk write to Highways Department, Dorset Council, to invite their suggestions for a solution to this matter, but with consideration of a traffic bollard being placed on the pavement to provide some protection.	Clerk and Deputy Clerk met with Stephen Mephram and a possible solution has been suggested, which will be presented to the Planning and Transport Committee on 25 June 2024 .	Clerk/Deputy Clerk
05.03.24	Full Council	New lighting in the town	TC 142/24	It was RESOLVED to APPROVE the resolution from Wareham Neighbourhood Plan Steering Committee.	Confirmation of a meeting to be held on 31 July is awaited. Matthew Piles and Roderick Mainstone (Dorset Council) be invited to a meeting with representatives of Wareham Town Council and Wareham Neighbourhood Plan Steering Group to consider the concerns regarding the street lighting scheme in the Conservation Area and discuss possible options. Response from Dorset Council on Agenda.	Town Clerk

24/10/23	PR&F	Public Engagement	PRF 054/23	Town Clerk to draft a Community Engagement Strategy and Policy for consideration at a future meeting.	Strategy currently being drafted for consideration by the newly elected Council. Being prepared for September PR&F Meeting.	Town Clerk
11/07/23	Full Council	Youth Council Proposal	TC 042/23	Council supported Cllr Cotton in investigating the possibility of a Youth Council in Wareham and bring back any proposals for approval.	Ongoing - The Clerk is attending a Youth Summit to gain further information on 18/07/2024	Town Clerk/Cllr Cotton
14.06.23	P&T	Parking at Northport Drive	010/23	Cllr K Green and Cllr Robinson would commence a photographic diary of the parking in readiness for a submission to Highways Dorset for the consideration of solutions.	No information forthcoming and K Green no longer sits as a Cllr, therefore item will be removed.	Cllr Green/ Cllr Robinson

24/01/23	Full Council	Conniger Lane Car Park	553	Enter into a lease with Wareham Joint Burial Committee for Conniger Lane car park. The finer detail of the workings of the use and income would be discussed at a later date.	Information has come to light that the Car Park machine would be removed by Dorset Council, meaning the Town Council would need to purchase a new machine at a cost of circa £4,500. And there is some serious repairs required of the car park including line painting, which was not divulged to the Town Council when the proposal was made for it to rake on the lease. Dorset Council has also been asked to provide the detailed income from the Car Park which has not been forthcoming. The matter will return to Full Council as part of the finer detail and workings which were agreed as part of the original resolution.	Town Clerk
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WAREHAM TOWN COUNCIL – REPORT

Meeting Date: 23 July 2024

Agenda Item: 17

Subject:	Wareham Town Museum
Prepared by:	Paul Willis
Purpose of Report:	To provide an update on issues arising and confirmation of Museum Manager's actions
Background:	n/a
Key Points:	<p>1. Dr Paul Willis began as Museum Manager of Wareham Town Museum on 1 July 2024.</p> <p>2. The Museum Manager with the Museum Volunteers will mark 50th anniversary of the Town Council's Museum opening in 1974. From 27-29 September, the Museum will host a series of lectures, town walks, a 1970s exhibition, and children's workshops, and other activities to celebrate this important milestone.</p> <p>A formal opening ceremony, of canapes and drinks, will be held at the Town Hall on Friday 27 September at 7pm (TBC) with all Councillors invited to attend.</p> <p>3. The Museum's visitor figures for 2024 are on par with figures from 2023 with 3562 adults and 358 children (3920 total).</p> <p>4. The Museum Manager is also currently investigating possible funding streams for the Museum's Redevelopment Plan. It is planned that several applications will be made over the following months to begin this process. If successful, this will enable the Museum to bring to life the rich history of the town, widen community participation, and generate increased visitors to Wareham and local businesses.</p>
Implications:	n/a
Recommendation:	To note the report