

LICENSING AND GENERAL PURPOSES COMMITTEE

Meeting held on Monday, 27th November, 2017 at the Council Offices, Farnborough at 7.00 pm.

Voting Members

Cllr A. Jackman (Chairman)
Cllr J.E. Woolley (Vice-Chairman)

Cllr Liz Corps
Cllr A.H. Crawford
Cllr B. Jones
Cllr S.J. Masterson
Cllr M.D. Smith
Cllr L.A. Taylor

Apologies for absence were submitted on behalf of Cllr Sue Carter, Cllr Sophia Choudhary and Cllr Jacqui Vosper.

19. MINUTES

The Minutes of the Meeting held on 25th September, 2017 were approved and signed by the Chairman.

20. ANNUAL AUDIT LETTER

The Chairman welcomed to the meeting Mr Andrew Brittain (Associate Partner) and Ms Justine Thorpe (Manager, Government & Private Sector) from Ernst & Young who were attending the meeting to present the Annual Audit Letter for the year ended 31st March, 2017 following the completion of its audit procedures for the financial year.

The Committee was advised that, in respect of the Council's Financial Statements, the auditors had issued an unqualified opinion, stating that the financial statements gave a true and fair view of the financial position of the Council and of its expenditure and income for the year ended 31st March, 2017. The auditors were also of the opinion that other information published with the financial statements was consistent with the Annual Accounts. In respect of the Council's arrangements for securing economy, efficiency and effectiveness, the auditors had concluded that the Council had put in place proper arrangements to secure value for money in its use of resources.

The auditors had also concluded that the Governance Statement was consistent with their understanding of the Council and had no matters to report in the public interest and had no matters to report to the Council which should be copied to the Secretary of State. There were no matters to report regarding other actions taken in relation to the auditor's responsibilities under the Local Audit and Accountability Act, 2014.

Going forward, the auditors had recommended revised terms of reference and a work programme for the Committee to include regular risk management updates, self-assessment of the Committee's effectiveness and the production of an annual report of its achievements for the Cabinet.

It had further been recommended by Ernst & Young that the Council should consider mapping its Assurance Framework, where it obtained its risk assurances, where there were gaps and risks to manage and actions to take. This should then be reported to the Committee to give Members a clear view of how the Council was achieving its objectives and addressing areas for improvement.

During debate, Members raised questions regarding training for Members of the Committee on their duties and responsibilities, which was something that was being looked at by the Member Training and Development Group.

RESOLVED: That the Annual Audit Letter for the year ended 31st March, 2017 be noted.

21. TREASURY MANAGEMENT OPERATIONS MID-YEAR REPORT 2017/18

The Committee received the Head of Financial Services' Report No. FIN1736, which set out the main activities of the Treasury Management Operations during the first half of 2017/18.

RESOLVED: That the Head of Financial Services' Report No. FIN1736 be noted.

22. AMENDMENT TO STANDING ORDER 8 - NOTICES OF MOTION

At the request of Cllr John Woolley, the Committee considered the possibility of making an amendment to the Standing Order relating to notices of motion. The effect of the proposed change would be to remove the words "or which affects the Borough directly" from Standing Order 9 (6).

Following discussion, it was agreed that Cllr Woolley should prepare a report for consideration by the Committee, setting out further details of reasons for the proposed change.

RESOLVED: That a report on this matter be drafted by Cllr. Woolley for consideration at a future meeting.

23. WELLESLEY S106 AGREEMENT - RUSHMOOR BOROUGH COUNCIL APPOINTMENT TO THE ESTATE MANAGEMENT COMPANY - WELLESLEY RESIDENTS TRUST LTD

The Committee considered the Solicitor to the Council's Report No. LEG1720, which proposed the appointment of the Head of Community and Environmental Services as a Director of Wellesley Residents Trust Ltd.

Members noted that, under the terms of the Section 106 agreement dated 10th March, 2014 for the Wellesley Development, the developers (Grainger plc and Grainger (Aldershot) Ltd) were required to set up an Estate Management Company as a non-profit-making entity, to maintain and manage in perpetuity the features of the development (as set out in the appendix to the Report). A detailed Estate Management Plan setting out the maintenance and management arrangements had been approved by the Council, as required by the Section 106 agreement.

The Estate Management Company comprised stakeholders in the development, including the Minister of State for Defence and/or the developers, Rushmoor Borough Council, Hampshire County Council, any registered provider of social housing on the site and occupiers of the residential units and commercial units on the site and full details of this were set out in the Report. The structure and voting rights of the Estate Management Company had been approved by the Council prior to its formation as required by the provisions of the Section 106 agreement. The maintenance and management costs of the Estate Management Company were funded by an annual service charge levied on the residential units in the development in accordance with the obligations of the Section 106 agreement.

The Report recommended that the Council's representative should be an officer of the Council rather than an elected Member during the build-out period. It was considered that the Head of Community and Environment had an in depth understanding of the estate management obligations of the Estate Management Company and the terms of the Section 106 agreement.

During discussion, the view was expressed that the Council should be represented by a Ward Councillor and further clarification was requested from the Solicitor to the Council before a decision could be made.

RESOLVED: That the decision be deferred pending further clarification by the Solicitor to the Council on the appointment.

The meeting closed at 8.00 pm.

CLLR A. JACKMAN (CHAIRMAN)
