

**MINUTES OF THE BUCKINGHAM TOWN COUNCIL INTERIM MEETING HELD ON MONDAY 25<sup>TH</sup> SEPTEMBER 2006 AT COUNCIL OFFICES, BUCKINGHAM AT 7 PM**

**PRESENT**

Councillor	J. Barnett
	P. Collins (Mayor)
	Mrs. P. Desorgher
	D. Isham
	R. Lehmann
	H. Mordue
	R. Newell
	P. Strain-Clark
	R. Stuchbury
Town Clerk	Ms. P. J. Heath

There was a public session held before the meeting

**APOLOGIES**

Apologies were received and accepted from Cllrs. H. Cadd, G. Loftus, Mrs. C. Strain-Clark and Mrs H Saul.

**2844 DECLARATION OF INTEREST FOR ITEMS ON THE AGENDA**

Cllr. Barnett declared a personal interest as a member of the Community Plan Group, but reserved the right to speak to the item. Cllr. Collins declared a personal interest as the Town Council's representative on the Community Plan Group.

**2845 TRANSFER OR NEW LICENCES**

Subway Unit 8/10 Market Hill – Opening hours 08.00 – 01.30 every day

Members discussed the opening hours of the take away and felt that the premises should not be given any unfair advantage over similar outlets in the town.

Proposed by Cllr. Collins, seconded by Cllr. Isham, and **AGREED** by 8 votes to 2 to support the application for the hours of up to 12 midnight Sunday – Thursday and 1.30 am Friday and Saturday. Members also asked for the doors to be closed to new business 10 minutes before the end of business.

The Mayor took the opportunity to introduce Mr. M. Skinner, the new Deputy Town Clerk.

**2846 MOTION A – CLLR. COLLINS**

*"Now that SEEDA funding has been agreed, BTC make available the £20,000 that it has pledged to the BCP Circular Walk project to enable BCP, in accordance with BTC financial regulations, to start the tender process by firstly commissioning, under item 11.1(ii) of BTC's financial regulations, the drawing up of the necessary tender documents.*

Cllr. Barnett explained the background to the motion and the need because of the tight timescale to begin the process without going for the 3 tenders as per the Town Council Financial Regulations for initial specification work. The project funding is for the financial

year 2006-2007 but it is expected that the project will be completed in June 2007. Cllr. Barnett also pointed out that the project manager's contract, which is part-funded by the Town Council, runs out in March 2007.

Members discussed at length the meaning of the Financial Regulation 11 and in particular 11.1.(a) and whether it applies to the pre-tender specification work, which Town Council members of the Project Group believe, and therefore there was no requirement to go for the 3 tenders.

Cllr. Barnett explained that the timescale of the project would not allow for the extension of going for 3 quotations, the initial work was to prepare the specification for tender of the main project and specification for the Project Manager.

Members expressed concern that the contract signed by the Town Council with SEEDA called for the Project Group to follow the Council's Financial Regulations and procurement procedures. These call for 3 quotations either open or closed depending on the estimated amount of the contract; it is anticipated that the initial work would cost £26,000 which is sufficient for a closed tender. There was concern that there was insufficient paperwork on the initial work costing.

The Town Clerk read the wording of the Financial Regulations for sections 1.1, 11.1 a and 11.1.c and advised that the regulations did allow for the Council to waive the financial regulation by resolution which must state the reason why the Council could not follow its own regulation. As a point of order it was noted that the motion did not call for the waiving of the regulation. Members also queried if the Council could allocate a budget which was deliberately put under a Committee's control at the Precept meeting; the Town Clerk advised that as a Corporate Body the Council could take a unilateral decision to spend a Committee's budget.

*(1.1 These financial regulations shall govern the conduct of the financial transactions of the council and may only be amended or varied by the resolution of the council.*

*11.1 Procedures as to the contracts are laid down in the council's standing orders as follows:*

*(a) Every contract whether made by the council or by a committee to which the power of making contracts has been delegated shall comply with these standing orders, and no exception from any of the following provisions of these standing orders shall be made otherwise than by direction of the council or in an emergency by such a committee as aforesaid provided that these standing orders shall not apply to contracts which relate to items (i) to (v) below:*

*(i) for the supply of gas, electricity, water, sewerage and telephone services*

*(ii) for specialist services such as provided by solicitors, accountants, surveyors and planning consultants.*

*(c) When applications are made to waive standing orders relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the council.)*

Following an extensive discussion an amendment was proposed by Cllr. Stuchbury, seconded by Cllr. Mordue, that this Council takes the issue to the Finance and Administration Meeting on 2<sup>nd</sup> October to consider under the Town Council's Financial Regulations; taking the Committee's recommendation to a specially convened Environment and Property Committee Meeting later that same night; taking into respect the tenor of the financial agreement between SEEDA and the Town Council in place between the outset of the Project and its completion; a copy of all paperwork being made available to Members on the night and a recommendation being made to Council on 23<sup>rd</sup> October. The amendment was lost by a vote of 6 to 5 with the Chairman's casting vote.

The Town Clerk had advised prior to the amendment that the F & A Committee could not decide whether to waive the Standing Orders or make a decision to pay money over under their terms of reference. The E & P terms of reference did allow them to make a decision and to pay money from their budget in respect to land under the Town Council's ownership.

A recorded vote on the original Motion was called under Standing Order 13a by Cllrs. Stuchbury, Lehmann, Desorgher, P. Strain-Clark and Isham.

The Town Clerk called the roll call in order of the seating around the chamber table.

Cllr. Mordue	Against
Cllr. Isham	For
Cllr. Newell	For
Cllr. Desorgher	Against
Cllr. P. Strain-Clark	Against
Cllr. Barnett	For
Cllr. Stuchbury	Against
Cllr. Lehmann	Against
Cllr. Stevens	Against
Cllr. Collins	For

The motion was lost by 6 votes to 4.

#### **2847 MOTION B – CLLR. COLLINS**

*"That the necessary BTC accounting codes/structures/accounts be put in place for the Circular Walk project".*

The Motion was **AGREED** by 10 votes to 0

#### **2848 TO RECEIVE A RECOMMENDATION FROM E & P COMMITTEE MEETING**

##### **18.09.06**

*Proposed By Cllr. Stuchbury, seconded by Cllr Newell, and **RECOMMENDED** that Buckingham Town Council rents a garage unit at the cost of £6.80 per week for the storage of Council paperwork, from AVDC at Grenville Road; the cost of which to be taken from Contingency for the financial year 2006/2007*

Members discussed the need for the garage and felt that in the short term, until a destruction policy could be agreed and implemented, the Council should hire the garage.

The recommendation was **AGREED** by 9 votes to 0.

#### **2849 MAYOR'S ITEMS FOR INFORMATION.**

##### The Film Place

A letter from the organisation had been received that day requesting the opportunity to put a presentation to the Council asking for 2 years funding. The Town Clerk sought guidance as to which Committee the Council wished the presentation to be made; it was **AGREED** that Events would be the most suitable Committee.

Closed at 8.15 pm

CHAIRMAN ..... DATE .....

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RATIFIED 23<sup>RD</sup> OCTOBER 2006