



Bus Shelter Report

Report by: Town Clerk
To: Full Council
Date: For consideration on 21 September 2021

Recommendation

Full Council is recommended to consider and agree the removal and installation of FIVE new bus shelters at Tesco, Lloyds Bank, Helmores and St Lawrence Green.

1. Purpose

- 1.1 This report sets out a proposal for a company to take ownership and maintenance responsibilities of five bus shelters in Credition.
- 1.2 The report seeks to address the complaints received regarding the current state of the bus shelters and to improve the current provision within Credition.
- 1.3 To consider using Earmarked Reserves for the removal and installation of the new shelters.

2. Background

- 2.1 The Town Council currently pays for the bus shelters to be cleaned on a regular basis by an external contractor. This is at a cost of £480.00 per annum.
- 2.2 The bus shelters are listed as assets, though ownership of the bus shelters is unknown.

3. Proposal

- 3.1 That Fernbank Advertising, either under the Devon County Council agreement or a separate agreement, assume responsibility for the cleaning, maintenance, repair and insurance (public liability) for the shelters at no cost to the council for the next 20 years.
- 3.2 The new bus shelters would include sedum (living) roofs to improve oxygen levels and remove air particles, especially important along the A377.

4. Financial Implications

- 4.1 The Town Council would be expected to pay for the removal and installation of the new shelters at a cost of up to £1200.00 + VAT per shelter.

5. Conclusion

- 5.1 The Town Council has assumed responsibility for the cleaning of the bus shelters, despite the unknown ownership. This proposal removes the regular maintenance responsibility.

Rachel Avery - Town Clerk and RFO



Council Legal Advice Service Report

Report by: Town Clerk
To: Full Council
Date: For consideration on 21 September 2021

Recommendation

Full Council is recommended to consider and agree a proposal for the Town Council to sign up to the Council Legal Advice Service, provided by Tozers LLP.

1. Purpose

1.1 This report sets out a proposal to subscribe to the Legal Advice Service.

2. Background

2.1. Crediton Town Council currently obtains advice and legal services on an ad-hoc basis.

3. Proposals

3.1. To sign up to Tozers LLP for legal advice (over view of service forms an appendix to this report).

4. Financial Implications

4.1 The cost of the service is £1,500 + VAT per year.

5. Conclusion

It would be beneficial for the Town Clerk to be able to obtain ad-hoc advice on a manner of legal issues, sometimes at short notice. The legal service offers advice on dealing with all issues relating to the operation of the town council.

Rachel Avery PSLCC
Town Clerk

The service

The Council Legal Advice Service (CLAS) is a genuinely innovative way to deliver cost-effective legal advice to your local council.

The main feature of the service is that we will advise you on any and all legal issues which your council may encounter, whether it is about allotments, burial grounds, employment issues, Freedom of Information requests, leases, liabilities and licenses, members rights and obligations, meeting agendas and protocol, through to village greens. The fact that the service is on a retainer basis works as a positive incentive to take timely advice and by doing so our experience is that particularly in situations involving members and employees we can help prevent a difficult situation getting out of hand.

The benefits of the **CLAS** are as follows –

- A fixed fee which gives you unlimited legal advice for the duration of the retainer and allows you to have budgetary certainty
- Access to a one stop legal shop with expert lawyers able to advise on all the legal problems which your council is likely to encounter
- Discounted hourly rates for work which falls outside the retainer – these rates are normally only available to bulk purchasers of external legal advice
- Speed of access – we give you a separate telephone number which by-passes our switchboard and goes straight to team members
- Clear advice – some lawyers advise only in highly technical terms or give equivocal and unhelpful advice. We don't. While we will warn you of any risks, we will also give clear user-friendly advice and recommend solutions to any problem you bring to us which help you achieve the goals you have identified
- Consistency – you can speak to the same person every time you call (other than holidays or other occasional absences), to ensure consistency of advice
- Pragmatic, commercial advice – where there is a dispute we will give you a realistic view of prospects and the information you need to allow members to take an informed decision

With the combination of our fixed fee service and discounted rates you will be able to achieve real purchasing power for your legal spend and have a dedicated outsourced legal function to support the increasingly complex work of your council.

What you get

Unlimited advice and assistance

CLAS offers you a one-stop shop for advice and assistance on every kind of legal issue which affects your council.

You can contact us by telephone or e-mail or even post and fax and you will be dealt with by an experienced lawyer who will be able to advise on the issue which you wish to discuss.

Many clients prefer to contact us initially by e-mail instead of the telephone because our reply can form part of an audit trail which will validate the action subsequently taken, and of course our e-mail response can be forwarded to members. There are of course occasions when the urgency of the matter is such that you need an immediate answer: we give our retainer clients a special telephone number to use which by-passes our main switch board and rings on the desks of the lawyers who deal with local council work.

In addition to oral advice we will look at and advise on the drafting or implications of incoming or outgoing correspondence or extracts from documents such as contracts and policies or procedures. We will also ensure that your documentation is kept up-to-date and reflects any changes to the law. In no particular order, here is a non exhaustive list of some of the areas where we are able to advise.

Leases and licences

If you have standard leases or licences for your letting units in market halls or mixed use buildings which you commonly use but need to have checked before issue then we will review under the service. Similarly if you wish to consent to the assignment of a lease or licence we can provide you with a standard consent document and we will check the correct completion by you prior to issue.

Community infrastructure levy

Local Councils should be consulted when the community infrastructure levy charges are set; this presents a real opportunity for Parish and Town Councils to ensure that the levy reflects the costs they incur when new development is approved. New regulations now give Parish and Town Councils a percentage of the levy (known as Neighbourhood Funding) that can be spent according to specific criteria. We can advise you on the current law and how neighbourhood funding can lawfully be spent.

Employment law and tribunals

We have a large team of employment lawyers which is led by four partners who deal almost exclusively with employment law issues and regularly appear in Employment Tribunals. We have advised a number of primary councils on restructuring and redundancies necessitated as a result of budget reductions and changes to working practice.

You can call us for advice on any employment law issue ranging from something relatively straightforward such as checking holiday entitlement under the Working Time Regulations, to advice on how to handle a complicated disciplinary or capability issue. In that instance we will continue to advise as the problem develops and unlike some helplines, you will always stay with the same lawyer for a specific problem.

The team also advises on broader HR matters, from the design and implementation of appraisal systems or sickness absence management, the drafting of new policies and procedures, or the management of difficult capability or disciplinary scenarios particularly those which are likely to end in dismissal.

Village greens

Where land is registered as a town or village green, it is protected by long-standing legislation that effectively means that the land cannot be developed. Any development, nuisance or interruption with the enjoyment of the green is an offence. The Commons Act 2006 now requires two separate registers of village greens. They must also apply new interim criteria when seeking to register a village green before the new act comes into force. We can advise on how to apply the criteria and how to deal with unlawful use of village greens.

FoI requests and Data Protection

The European Data Protection Regulation (commonly known as the GDPR) will apply to all Councils and is set to completely replace the existing data protection regime. This regulation has direct effect so will come into force as soon as it is passed. You need to be up to date as your Council will be relying on clerk's advice to ensure they are compliant.

New powers have also been given to Parish and Town Councils inundated with unreasonable FOI requests - we can advise whether applications are vexatious and what your response should be.

Policies and procedures

We have a comprehensive range of policies and procedures available to use that are constantly updated to reflect changes in the law. With so many procedures devolved to Councils by the Localism Act it is now your responsibility to have appropriate local standards in place. Our policies help tackle current issues such as fraud or bullying at Parish Councils before they can arise.

Adding value

Discounted hourly rates

As an added bonus for **CLAS** retainer clients, if you wish us to do work outside the scope of the fixed fee retainer we will give you a significant discount of 20% for all types of work and grades of staff.

The normal hourly rate for partners with effect from 1st February 2019 is £280 plus VAT, but applying the discount the rate for a partner would be **£224.00 per hour plus VAT** in the current calendar year. The normal rates for all grades of our lawyers are set out below to give you an idea of the discounts which would result:

grade	normal hourly rate (+VAT)	discount rate(+VAT)
Partners	£280 per hour	£224 per hour
Associate solicitors	£240 per hour	£192 per hour
Solicitors	£210 per hour	£168 per hour
Trainees	£155 per hour	£124 per hour
Paralegals	£155 per hour	£124 per hour

We will always provide an estimate of costs in advance for any type of work, based on our anticipation of the likely time involved, and calculated according to the discounted rate to assist you with budgeting.

The hourly rates are reviewed, but not necessarily increased, at the beginning of each year.

Document library - policies, procedures, template letters and HR documents

We have a huge library of policies and procedures, template letters and documents which cover just about every eventuality, from responding to FoI requests and other routine aspects of council business with the public, through to a comprehensive range of employee relationship documents such as initial offer letters to dismissal, return to work interview forms to funded training applications. Just ask!

Newsflashes

We send by e-mail newsflashes where the new legislation or court case decision is sufficiently noteworthy to warrant immediate action.

Employment law newsletter

We will e-mail to you our employment law newsletter which contains a review of new legislation and important decisions in the tribunals. This is intended to inform employers of what is happening generally in the area of employment law and changes of which they should be aware.

Factsheets and guides

From time to time we produce factsheets which are short factual summaries of the salient points of a piece of legislation in a question and answer format. Typically we produce factsheets or Guidance

Notes before or shortly after the Government has implemented a new set of regulations. Examples of our recent Guidance Notes are those on Community Infrastructure Levy, Freedom of Information and Allotments – a perennial favourite. We also have a range of ‘How to...’ guides such as ‘How to vary a contract of employment’.

Employment Tribunals

We can never prevent an employee making a claim in a tribunal, but we can help to ensure that in the events leading up to the circumstance which has prompted the claim, you have strictly followed your own contractual procedures and at the same time complied with best practice and the ACAS guidance. That way we do not go to a tribunal on the defensive from the outset.

We will deal with all preliminary advice and consultation up to the issue of the ET1 within the scope of the helpline and in itself this can offer you a considerable saving in legal fees.

Service commitment

What we will do

We will make available to you, for a period of 12 months from the agreed start date, an advice service dealing with all issues relating to the operation of your council having at their root a point of law arising from Statute, case or common law, interpretation of bye-laws, rules, regulations, standing orders, or guidance issued by government on any issue including for the avoidance of doubt, planning. There is no limit to the number of times you can contact us.

There is no limit to the time we will spend in our efforts to assist you in attempts to resolve your problem.

When giving advice we will look at correspondence or documents of up to 3 pages in length which you have received, provided these are sent by post, faxed or e-mailed to our offices during the normal working week of Monday to Friday, excluding bank and other public holidays.

We will advise you up to the point when -

- you wish us to go on the record in legal proceedings to include any type of litigation including employment tribunals
- generally to commence correspondence with third parties with a view to making representations on your behalf
- you wish us to process any transaction in respect of land to include the sale of land, grant or renewal of leases licences and rights of way.

At our sole option we may agree to draft for you or settle documents such as brief letters or confirmation of a plan of action provided that the time taken does not exceed 30 minutes. If you want us to spend longer then we reserve the right to ask you to pay an additional fee.

We will keep a permanent ongoing computer record of all our advice to you and we will retain those records for a period of six years in either paper or electronic form at our discretion.

Contract termination

We offer the fixed fee service on an annual retainer, which can be renewed by the client from year to year. However if part way through a twelve month retainer you decided that you had made a mistake then you may give one month notice and we will refund the fee pro rata. In other words we do not seek to lock in our clients in circumstances where they are wishing to change their service provider for whatever reason. We are pleased to say that this has yet to happen.

The team

We have a multi-disciplinary team of lawyers whose skills range from planning law, property advice, employment disputes through to an expertise and understanding in the interpretation of standing orders and regulations in the context of council meetings and business.

Whatever their discipline they all have one thing in common which is that they are experienced lawyers who can swiftly understand the problems which you are facing and will give you their advice in plain English together with an accurate assessment of risk and costs.

Pricing structure

How much you pay depends on a three simple factors:

- your total annual budget
- the number of staff employed
- the number of authorised users

Wherever possible we meet with you to discuss your needs so that we can give you the most competitive price for the service which is fair to both of us. However, we have never sold the service on price alone so we make no claim to being the cheapest, but we do think we are the best. If you subscribe we think you will come to appreciate that very quickly.



Town Square Report

Report by: Town Clerk
To: Full Council
Date: For consideration on 21 September 2021

Recommendation

Full Council is recommended to review the use of the Town Square as a community facility and to agree any future actions required to ensure that it can continue to be used as such.

1. Purpose

- 1.1 This report sets out the current maintenance schedule and 2021 events.

2. Background

- 2.1. CREDITON Town Council currently administers all events on the Town Square, except for the Farmers Market.
- 2.2. It is owned by Mid Devon District Council.
- 2.3. In February 2021, The Turning Tides Project entered into a maintenance contract with CREDITON Town Council, which includes the maintenance of the Town Square.
- 2.4. The following events have been held on the Town Square through 2021 including:
- Performances from CODS, CREDITON Town Band, CREDITON Youth Orchestra
 - Redvers Ramble Publicity Day
 - Coffee and Cars Event
 - Last Baguette Performance
 - Share in the Square, featuring local bands
 - Diversity Festival
 - Boule
 - Bash Street Theatre Performance
 - Wood Carving (The Library)
 - Book readings (The Bookery event)
- 2.5 CREDITON Town Council has taken responsibility for the tables from the Town Team. It was considered that the parasols were not safe to install, as the surrounding businesses could not be relied upon to put out and bring in alongside storing them, as the regulations relating to the pandemic had altered since 2020.

3. Proposals

- 3.1. To consider whether the below maintenance schedule for the Town Square is acceptable.

<u>Task</u>	<u>Schedule</u>
Cleaning/brushing the bollards, fixed bin holders, inset ground lighting –	Once a fortnight or as required
Boniface display (Boniface Trail artwork near old council building)	Once a fortnight or as required

Brushing and wiping 3-tiered Crediton Town Council flower holder and underneath	Once a fortnight or as required
Brushing and wiping of bins	Once a week or as required
Removal of weeds and rubbish from artificial grass patches under trees	Once a week or as required
Cleaning wooden table surfaces of grease and drink stains	Every other day
Brushing the surface of the gravel and moving tables to acceptable distance	Every other day
Remove cigarette ends, litter and food waste, twigs, dog mess etc	Every visit
Steps and peripheral area sweeping	Once a week or as required

4. **Conclusion**

Crediton Town Council has taken on an increased responsibility during 2021, having increased the budget to contract the maintenance role which improves many areas of the town and was not created to service only the Town Square.

Rachel Avery PSLCC
Town Clerk





Youth Work Update Report

Report by: Town Clerk/Youth Worker
To: Full Council
Date: For 21 September

Current tasks

- Focussing on raising funds to increase the youth work team size to deliver more of the work that we have identified as needed in the town.
- Securing the right person for the next 6 months and investigating the employment of a further 2 sessional staff to fulfil the planned work schedule (table below).

Day	Programme
Monday	Haywards Open access group
Tuesday	QE Open access group
Wednesday	QE/Landscore Open access group Detached
Thursday	Haywards Detached
Friday	Landscore

- Putting together 12 week plans for each of the open access sessions of which there will be 3, for 3 different age ranges.
- Visiting the two primary schools and QE at lunchtimes. Haywards and Landscore get 2 lunchtimes each and QE will have 2 lunchtimes alternating between upper and lower
- Two detached youth work sessions happening each week, one after school and one later in the evening.

Future tasks

- Building the 1-1 mentoring offer for young people in the town and via the schools, this will hopefully be linked into the early help team which is DCC based. Within the team we have some limited capacity to do this, but I have been meeting people in the community who want to be involved in this project who I hope will become mentors in the future who we can look to pair up with young people. I have spoken to a trainee mental health and well-being in young people practitioner about joining us voluntarily who is interested in developing the 1-1 work, she is also going to have to undertake a research project about mental health and well-being with young people as part of her course and we are talking about the possibility of us becoming her placement for her Uni course making Credition the focus of that study.
- Developing the bungalow into a viable space.



- Buccaneers site visit and looking at the Ship Inn.
- CIO set up in 6-12 months.

Current grant applications (for information)

- Awards for all (applied and received) - £10,000.00
- Pete Mason Fund (applied and received) - £350.00
- DCF Police Crime Commissioner Fund (applied and decision awaited) - £5,000.00
- Landfill Communities Fund (in process) - £10,000.00
- South West Water (applied and decision awaited) - £5,000.00
- POCA – Proceeds of Crime Fund via Crediton Police (Initial expression sent, awaiting response) - £5,000.00