

Draft Minutes of an Extraordinary Meeting of the Swanage
Town Council held at the Town Hall, High Street, Swanage on
MONDAY, 29th APRIL 2024 at 7.00 p.m.

PRESENT:-
Councillor T. Foster – Chairman

Councillor M. Bonfield
Councillor C. Finch
Councillor A. Harris
Councillor C. Moreton
Councillor G. Suttle
Councillor C. Tomes
Councillor M. Whitwam

In addition to Members of the Council and officers, two Members of the public and one Member of the local press attended the Meeting.

The Chairman thanked all councillors for their help, respect and hard work over the last five-year Council term and wished a fond farewell to those councillors not standing at the upcoming election, Councillors Bishop, Harris and Rogers.

Public Participation Time

The following matter was raised during Public Participation Time:-

- In respect of agenda item 7, comments were made regarding potential improvements to the southern section of Shore Road, following the permanent road closure. Suggestions included a paved area, children's area, seating and additional planters.

217. **Apologies**

Apologies for their inability to attend the Meeting were received from Councillors Bishop, Monkhouse and Trite. Councillor Rogers attended the meeting remotely.

218. **Declarations of Interest**

Members were invited to declare their interests and consider any requests for Grants of Dispensations in accordance with Section 9 and Appendix B of the Council's Code of Conduct.

Agenda Item No. 12 (b) - Councillor Tomes declared a non-pecuniary interest under the Code of Conduct by reason of a family connection with the owner of a business that had submitted a tender.

219. **To consider outcome of review of Draft Vexatious Correspondence and Complaints Policy further to Council Meeting, 25th March 2024 and Working Party Meeting, 22nd April 2024**

Further to Minute No. 3 of the Extraordinary Finance and Governance Committee meeting held on 25th April 2024, consideration was given to the minor amendments made to the draft Vexatious Correspondence Policy as discussed at the meeting of the Vexatious Correspondence Policy working party held on 22nd April 2024, as set out below (shown in italics):

- 1.1 Behaviour which is *perceived as* obsessive, persistent, harassing, prolific, repetitious.
- ...
- 1.3 Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner, *for example failing to focus on addressing the issue in a harmonious and pragmatic way.*

It was noted that, as social media use had become embedded within society, it had become easier for derogatory comments to be shared with a wider audience and that the language used could have an adverse effect on the mental health of those targeted. It was stated that the adoption of the policy would help to provide a mechanism to support both councillors and staff to manage difficult circumstances, should they arise. It was noted that the policy would be reviewed six months after adoption.

It was therefore proposed by Councillor Bonfield, seconded by Councillor Tomes and RESOLVED UNANIMOUSLY:-

That the draft Vexatious Correspondence and Complaints Policy be adopted.

220. **To consider adoption of Draft Safeguarding Policy**

Further to Minute No. 4 of the Extraordinary Finance and Governance Committee meeting held on 25th April 2024, consideration was given to the draft Safeguarding Policy, which had been circulated together with a briefing paper prior to the meeting. It was noted that staff training would be undertaken in due course.

It was proposed by Councillor Moreton, seconded by Councillor Suttle and RESOLVED UNANIMOUSLY:-

That the draft Safeguarding Policy be adopted.

221. **To consider adoption of revised Standing Orders**

Further to Minute No. 5 of the Extraordinary Finance and Governance Committee meeting held on 25th April 2024, consideration was given to revised draft Standing Orders. It was noted that the amendments reflected updated legislation and the Model Standing Orders produced by the National Association of Local Councils. The document clarified procedures for the annual council meeting and the roles and responsibilities of working parties. It was proposed by Councillor Harris, seconded by Councillor Tomes and RESOLVED UNANIMOUSLY:-

That the draft revised Standing Orders be adopted.

222. **Environment Budget 2024/25 – To consider allocation as per recommendation of the Environmental Action Plan Working Party o consider date of parish assembly 2024**

Consideration was given to a briefing paper and attached appendix, prepared by the Visitor Services and Business Development Manager (VSBDM), which noted that the Environment and Green Spaces Committee had met on 28th February 2024 and approved the ‘Environmental Community Engagement Plan for 2024-25’. The Committee had instructed the Environment Action Plan working party to identify resources to undertake the actions within the plan, utilising the £20,000 environmental projects budget that had been set aside for 2024/25. The appendix to the briefing note outlined the proposed budget allocation that had been recommended by the working party to accomplish the actions set out in the Environment Action Plan, and it was noted that the largest single item was £7,000 for work towards the improvement to water quality. An error was noted in the date specified within No. 4 of the appendix which should read 2024/25.

It was proposed by Councillor Harris, seconded by Councillor Bonfield and RESOLVED UNANIMOUSLY:-

That the allocation of the environmental projects budget 2024/25 be confirmed, as set out in the appendix to the briefing note.

223.

Shore Road – To consider proposal to remove line markings from closed section between the Mowlem and Victoria Avenue

Further to the recent year-round closure to traffic of the southern section of Shore Road, consideration was given to a briefing paper which outlined options to remove the now redundant street furniture and road markings. Attention was drawn to the benefits that this would likely bring in terms of enhancing pedestrian safety by making the area appear less like a road. It was noted that if Dorset Council were tasked to undertake this work, as the highway authority, it would charge the Town Council £6,200. Alternatively, if Dorset Council were to authorise the Town Council to undertake the works it could be completed at a cost of approximately £1,500.

During the ensuing debate, attention was drawn to the broader need to enhance this area, as had been identified within the Seafront Masterplan, and it was questioned whether undertaking this work at the current time would represent best value in the long term. The need to take into account the impact on those with visual impairments of removing the road markings was also highlighted. On balance, therefore, it was proposed by Councillor Bonfield, seconded by Councillor Suttle and RESOLVED UNANIMOUSLY:

To defer further consideration of this matter to a future meeting to allow additional information to be gathered.

224.

Day's Park Community Sports Facility – Proposal to commission specialist VAT advice

Consideration was given to a briefing note which set out a proposal to commission specialist VAT advice to inform next steps in the delivery of a new community sports facility at Day's Park, further to Minute No. 148 of the Council Meeting held on 11th December 2023 and Minute No. 181 of the Council Meeting held on 29th January 2024. It was noted that such advice was required to understand the financial implications of deciding which legal vehicle would be best to deliver the project and operate the facility upon completion: options under consideration include Swanage and Herston Football Club Ltd, the Town Council itself or a newly established Community Interest Company (CIC) or Charitable Incorporated Organisation (CIO).

It was reported that the Council's VAT advisers, PSTax, had provided a quote to produce a report identifying potential structures for the construction and ongoing operation of the facility, setting out the VAT implications of each. A cost estimate of a maximum of £4,000 had been provided, on the proviso that if the work takes less time to complete than estimated, the fee will be lower.

It was proposed by Councillor Tomes, seconded by Councillor Suttle, and RESOLVED UNANIMOUSLY:-

To instruct PSTax to advise on the VAT implications of each of the potential legal structures for the construction and ongoing operation of the Day's Park Community Sports Facility, at a maximum cost of £4,000.

Consideration was briefly given as to whether to part fund this work from the Council's Football Club reserve, which held the balance of the back rent paid for the Day's Park Vodafone Mast. Ultimately, Members concluded that the reserve should not be used for this purpose, and that the advice should be funded from the Council's existing budget for professional fees for 2024/25.

225. **Items of Information and Matters for Forthcoming Agendas**

- a) **Confirmation of Low Carbon Dorset grant award**
It was reported that confirmation had been received from Dorset Council that the Town Council had been awarded £32,410 towards installation of PV Panels and LED lighting in its buildings.
- b) **Day's Park Lighting Remedial Works**
It was reported that remedial works to the lighting at Day's Park had been completed at no additional cost to the Town Council.
- c) **Liberty Parade**
Further to Minute No. 100 of the Council Meeting held on 18th September 2023, it was reported that confirmation had recently been received that the 11th Signals Regiment would exercise the liberty of the town on Saturday 8th June 2024. It was noted that Mr Frank Roberts would be working with the Visitor Services Manager and Assets & Compliance Manager to put final arrangements in place.
- d) **Purbeck Community Rail Partnership (PCRP)**
In his capacity as the Town Council's representative on the PCRP, Councillor Whitwam reported on exciting work that was planned on the development of hydrogen powered trains that might operate a Swanage to Wareham train service in the future.
- e) **Dementia Friendly Purbeck Funding**
Attention was drawn to a recently launched campaign to raise £120,000 to fund a second Admiral nurse for dementia care in Purbeck. Dementia Friendly Purbeck had already donated more than £20,000 towards the campaign.
- f) **Tourism in Purbeck**
It was reported that the Town Council had hosted a successful tourism workshop on 24th April 2024. Attendees had included representatives of local conservation bodies and neighbouring parish and town councils. Agreement had been reached to work together on a Sustainable Tourism Plan and a public meeting would be held later in the year.

226. **Authorisation of Mayor and Deputy Mayor to sign outstanding legal agreements**

Consideration was given to a briefing note, in which it was highlighted that the Town Council's 6-monthly priority list (approved under Minute No. 164 of the Special Council Meeting held on 15th January 2024) included as a high priority finalising outstanding legal agreements. It was also noted that the Council's legal advisers had recently devised a new execution clause for the Council's legal documents which refers to Members being authorised to sign by a resolution of the Council, in accordance with Standing Order 23.

Attention was drawn to the fact that good progress was being made in finalising a number of outstanding legal agreements, each of which had been drafted in accordance with previous Council resolutions:

- Washpond Lane Field to Swanage Cricket Club
- Prospect Nursery to Swanage & Purbeck Development Trust
- Town Hall Annexe to Dorset Police
- Lifeboat Station to RNLI
- Hut to east of Lifeboat Station to M. Hadley

- Former Taxi Office, Swanage Station to Swanage Railway
- Coastguard Station to Maritime Coastguard Agency
- Seafront Concession Sites to Carve Coffee and T. Waters
- Beach Concession to C. Wiggins
- Documentation in relation to drainage rights, Northbrook Road – Barratt Homes
- Documentation in relation to dedication of Panorama Road and Cow Lane – Dorset Council.

It was proposed by Councillor Bonfield, seconded by Councillor Harris, and
RESOLVED UNANIMOUSLY:-

That, under Standing Order No. 23, the Town Mayor and Deputy Town Mayor be authorised to sign the legal documents as listed in these minutes.

EXCLUSION OF PRESS AND PUBLIC

It was proposed by Councillor Moreton, seconded by the Town Mayor and
RESOLVED UNANIMOUSLY:-

That, under Standing Order No. 1 c), in the public interest, the press and public be excluded from the Meeting in view of the confidential nature of the business to be transacted under agenda items 11, 12 and 13 for reasons of legal and commercial confidentiality.

227.

Beach Gardens - To consider proposal from Swanage Bowling Club regarding Pavilion licence fee and associated matters

Further to Minute No. 10 of the Extraordinary Meeting of the Finance & Governance Committee, held on 25th April 2024, consideration was given to a proposal put forward by Swanage Bowling Club in respect of sums outstanding in relation to a disputed water bill in connection with the bowling green at Beach Gardens and payments due to the Council for the use of the Pavilion. Attention was drawn to the fact that both parties had invested significant time in negotiations in order to identify an acceptable settlement.

It was noted that the Finance & Governance Committee had endorsed acceptance of the Club's proposal, subject to officers providing a further report to Council. The Town Clerk updated those present on a suggested allocation of funds between the water bill and pavilion licence fee that had been put to the Bowling Club subsequent to the committee meeting. It was proposed by Councillor Bonfield, seconded by Councillor Tomes and
RESOLVED UNANIMOUSLY:

That Swanage Bowling Club's proposal to pay £11,000 in settlement of all sums outstanding in connection with water usage at the bowling green and use of the pavilion for the financial years 2020/21 to 2023/24 be accepted, officers having delegated authority to make final arrangements with the Bowling Club for the allocation of sums between the bowling green water bill and the pavilion licence fee.

Procurement**(a) Electric Vehicle Charging Points – To confirm procurement arrangements in compliance with Charging Ahead Grant**

Further to Minute No. 5 of the Environment and Green Spaces Committee Meeting held on 11th October 2023, consideration was given to a briefing note that explained in some detail the legal and procurement matters that needed to be taken into account in determining whether or not to proceed with a Charging Ahead grant application to Dorset Council and associated arrangements with their appointed Electric Vehicle Charging Point (EVCP) supplier and operator. It was noted that a feasibility study had been carried out by Joju Charging, the EVCP supplier and installer, indicating that nine machines could be installed at no cost to Swanage Town Council: six machines rated at 22kwh (fast chargers) at Main Beach and North Beach Car Parks and three 50kwh (rapid chargers) at Mermond Place Car Park. The proposal also included the upgrade of the electricity supply where required. As a result of the installation it was estimated that the Council would receive income of approximately £1,500 p.a., a sum that would increase as the take up of EVCPs grows.

It was proposed by Councillor Tomes, seconded by Councillor Suttle and **RESOLVED UNANIMOUSLY:**

To proceed with the ‘Charging Ahead’ grant application to fund the works and services set out in the Feasibility Study submitted by Joju Charging dated 17th January 2024.

As part of the grant terms and conditions, it was noted that the Town Council would be required to raise an order for the six fast chargers with Joju Charging. In order to proceed with a direct contract award, attention was drawn to the fact that it would be necessary to waive the Council’s financial regulations in relation to contracts and, further to financial regulation 11.5, consider the reasons for taking such a step. It was proposed by Councillor Moreton, seconded by Councillor Harris and **RESOLVED UNANIMOUSLY:**

To waive the Council’s financial regulations in respect of contracts in order to procure the installation of six fast chargers in Main Beach and North Beach car parks from Joju Charging at a cost of £70,050.28 + VAT, to be funded by the ‘Charging Ahead’ grant, for the following reasons:

- By procuring the chargepoints through the Charging Ahead grant process Swanage Town Council will have the support of Dorset Council in managing the project and will be part of a Dorset-wide programme so that the same EVCPs are installed across the county providing familiarity for residents and visitors alike.
- The selection of the supplier was the subject of a previous procurement exercise carried out by Dorset Council via a framework agreement.
- It is a 100% fully funded scheme including lower powered chargers which offer lower costs for residential charging but offer a poor commercial return for Charging Point

Operators, given the high cost of what is a heavily subsidised installation.

Members noted that no order would be necessary for the purchase and installation of the three rapid chargers in Mermond Place as this would be funded by the Charging Point Operator, Mer, at a cost of £141,683.

Consideration was also given to the agreement that the Council would be required to enter into with Mer as the Charging Point Operator (CPO). Clarification had been received that this would be a 15-year concession agreement, providing Mer with the ability to exclusively operate EVCPs in Main Beach, North Beach and Mermond Place car parks for that period of time. In terms of the Council's regulatory requirements, it was noted that the income from the concession would not exceed the threshold for the application of the Concessions Contracts Regulations 2016, which currently stood at £5.37m. However, the Council would again need to waive its financial regulations in respect of contracts in order to directly enter into such an agreement and consider the reasons for doing so. It was proposed by Councillor Bonfield, seconded by Councillor Finch and **RESOLVED UNANIMOUSLY:**

To waive the Council's financial regulations in respect of contracts in order to enter into a 15-year concession agreement for the installation and operation of EVCPs in Main Beach, North Beach and Mermond Place car parks for the following reasons:

- By entering into a concession agreement through the Charging Ahead grant process Swanage Town Council will have the support of Dorset Council in managing the contract and will be part of a Dorset-wide programme so that residents and visitors only need one charging app across the county.
- The selection of Mer as the Charging Point Operator was the subject of a previous procurement exercise carried out by Dorset Council via a framework agreement.
- It is a 100% fully funded scheme including lower powered chargers which offer lower cost for residential charging but offer a poor commercial return for Charging Point Operators, given the high cost of what is a heavily subsidised installation.
- The CPO (Mer) uses 100% sustainable energy.

Finally, it was proposed by Councillor Whitwam, seconded by the Town Mayor and **RESOLVED UNANIMOUSLY:**

To instruct solicitors to review and finalise the legal agreements in connection with the Charging Ahead grant and authorise the signing of the same in accordance with Standing Orders.

(b) **Seaweed and Sand Management – To award contract**

Further to his declaration of interest, Councillor Tomes left the meeting prior to consideration of this item.

Further to Minute No. 4 of the Coastal Change and Beach Management Advisory Committee Meeting held on 7th February 2024, consideration was given to the award of contract for seaweed and sand management on Swanage Main Beach. It was highlighted that due to changes in local land management practices it would be extremely difficult to replicate the current practice of removing seaweed from the beach to use as agricultural fertiliser, hence the contract would be awarded on the basis of a one-year trial to push the seaweed back into the sea in appropriate tidal conditions. It was proposed by Councillor Bonfield and seconded by the Town Mayor:

That a contract for seaweed and sand management on Swanage Main Beach for the 2024 summer season be awarded to DWG Smith Ltd on a trial basis, in accordance with the tender opened on 15th April 2024.

Upon being put to the Meeting SIX Members voted IN FAVOUR of the Proposition and there was ONE ABSTENTION, whereupon the Proposition was declared CARRIED.

It was FURTHER RESOLVED:

That the Assets and Compliance Manager be authorised to approach the second placed scoring contractor to understand if the Council could arrange a ‘call-off’ arrangement in extreme cases where pushing the seaweed back into the sea had been unsuccessful and the presence of it on the beach constituted a nuisance.

It was noted that information signage setting out the changes in the management of seaweed on Swanage Main Beach had been developed and would be installed on the sea front.

Councillor Tomes re-entered the meeting.

(c) **Festive Lights – To award contract**

Further to Minute No. 103 of the Council Meeting held on 18th September 2023, consideration was given to the outcome of a tender exercise for the design, supply and installation of festive lighting which was carried out in two lots. Attention was drawn to the fact that Swanage and District Chamber of Trade had agreed to contribute £600 towards the cost of the annual fee for hiring festive lights and dressing the Christmas tree. It was reported that four compliant tender submissions had been submitted for each lot.

It was proposed by Councillor Bonfield, seconded by Councillor Tomes and RESOLVED UNANIMOUSLY:

To award a 3-year contract (2024-2026 inclusive) to the Festive Lighting Company for the design and supply of the Council’s seasonal festive lights for the sum of £10,274.66 per annum.

It was further proposed by Councillor Moreton, seconded by Councillor Suttle and RESOLVED UNANIMOUSLY:

To award a 3-year contract (2024-2026 inclusive) to Event Power Engineering for the installation and removal of the Council's seasonal festive lights for the sum of £4,500 per annum. This sum includes the testing of anchor bolts each year.

In agreeing this resolution it was noted that there may be a slight increase in this cost to reflect collection arrangements of the hired lights.

(d) **Boat Park Jetty Repairs – Update**

Further to Minute No. 159 (a) of the Extraordinary Council Meeting held on 18th December 2023 and Minute No. 215 (b) of the Council Meeting held on 25th March 2024, consideration was given to a briefing note which provided an update regarding the repairs required to the Boat Park jetty. Technical advice had been sought from Dorset Council's Flood and Coastal Erosion Risk Management team and a meeting had been held between a Project Engineer, the Mayor, Deputy Mayor and Town Clerk. Given the complexity of the matter and the careful balance to be struck between financial risk and the need to address health and safety concerns arising from potential further deterioration of the structure, it had been concluded that the matter should be referred back to full Council for determination.

Following a detailed discussion, during which the difficulty of closing the structure to public use was highlighted, it was concluded that the importance of addressing health and safety concerns overrode other factors. Therefore, it was proposed by Councillor Bonfield and seconded by Councillor Suttle:

To proceed with the repairs to the boat park jetty, deploying hydraulic jacking of the deck, in accordance with the tender submission from Suttles Projects Ltd, in the sum of £42,668.

Upon being put to the Meeting SEVEN Members voted IN FAVOUR of the Proposition and there was ONE ABSTENTION, whereupon the Proposition was declared CARRIED.

It was noted with disappointment that despite repeated attempts to engage with the RNLI in respect of this matter no progress had been made in terms of agreeing a financial contribution towards the works. Every effort would continue to be made to reach an appropriate agreement, recognising that the facility was built as part of the contract to reconstruct the lifeboat station and is used as a mooring and landing facility for the current lifeboats.

During the debate consideration was given to exploring the potential installation of a floating dock to the eastern side of the Boat Park slipway. However, given likely costs and the risk of damage in easterly winds it was concluded that this matter should not be progressed at the current time.

(e) **Peveril Point Road – Commissioning of revised drawings and specification**

Members gave consideration to a briefing note which explained that Dorset Council's Highways Improvements Team had been engaged to review the project documentation that had been prepared by the consultants WSP relating to the Peveril Point Road improvement works. It had subsequently been recommended that some revisions should be made to the project documents in

order to reduce the costs/issues and risk of carrying out the works. It was proposed by Councillor Harris, seconded by Councillor Suttle and RESOLVED UNANIMOUSLY:

That an extension of contract in connection with the revision of project documents for works at Peveril Point Road be awarded to WSP in the sum of £2,400.

229. **Seafront Concessions – Update and consideration of next steps**

Further to Minute No. 188 of the Council Meeting held on 29th January 2024, consideration was given to an update in respect of the seafront concessions. It was noted that good progress had been made in drafting legal agreements and that planning applications had been lodged in respect of both the catering and activity concessions. Particular attention was paid to the works required to ensure that an adequate electricity supply would be available for the proposed sauna. SSEN, as the Distribution Network Operator, had provided a quote to install a new three-phase supply, which would require extensive trenching from the junction of Shore Road and Station Road. An alternative quote had also been obtained for the groundworks element. It was noted that other associated works were required to water and electrical connections, which together with the upgrade in the electricity supply would cost in excess of £45,000.

This matter had been considered by the Property Panel at a meeting held on 17th April where attention had been drawn to the fact that the draft heads of terms required the lessee to cover the costs of any works to upgrade utility supplies. It was reported that discussions had subsequently been held with the sauna operator who had acknowledged their obligation to cover these costs. Consequently, it was proposed by Councillor Bonfield, seconded by Councillor Tomes and RESOLVED UNANIMOUSLY:

To approve a budget of £45,756.89 plus VAT for the installation of electrical and water supplies to serve the sauna concession, and authorise the placing of orders, subject to the lease agreement including the following provisions:

- The lessee must pay £40,000 upfront towards infrastructure costs.
- The lessee must pay an increased first year's rent to cover the remaining balance of the costs.
- That an agreement be entered into with a suitable guarantor.

It was further reported that it had been agreed that no work is to be permitted to be undertaken on the trenching for the installation of the three-phase electric supply during July and August, unless approved by officers, in consultation with the Property Panel.

The Meeting closed at 8.40 p.m.
