



COMMITTEE PROCEDURE

BUILDINGS MAINTENANCE PAPER A COMMITTEE

3 JULY 2024

1) BACKGROUND

- a) The Buildings Maintenance Committee is a new committee established from 20 May 2024 by decision 26/24 of the Extraordinary Council meeting of 15 May.
- b) The Committee's agreed terms of reference are appended to this report.

2) DECISION-MAKING

Members are reminded that the Committee may only take decisions that:

- a) are on the agenda, such that the necessary public notice has been given and the Clerk has had opportunity to advise members. The agenda is produced for each meeting and published by the Clerk, in consultation with the Chair as appropriate;
- b) fall within its terms of reference, relating to the management, maintenance, cleaning and insurance of the Council's existing buildings;
- c) can be afforded within the agreed budgets. Unbudgeted expenditure can only be approved by the full council (virements between budgets of up to £1,000 can be made by Policy & Resources Committee).

There is a report on budgetary matters elsewhere on the agenda.

Between meetings of the Committee, the Clerk is empowered to take decisions that fall within the Scheme of Delegations as agreed by the Council on 20 February 2024.

3) PROCUREMENT AND DEALING WITH CONTRACTORS

The former HR Committee had identified the absence of a Procurement Policy as a gap in the Council's policy framework. With that committee now replaced by the Policy & Resources Committee, it would be prudent to flag this outstanding matter to that new committee and ask that we be consulted during the development of any such policy.

Members are reminded that individual councillors do not have, and cannot be given, powers to make decisions on behalf of the Council, and must not purport to represent the Council in dealings with any third-party including contractors or potential contractors. This prohibits any councillor from issuing instructions to a contractor, which would include any direction to perform work or any invitation to quote for such.

The powers delegated to staff to incur expenditure and settle invoices from contractors require that all expenditure has been properly agreed in advance by the Council, by a committee, or by staff under delegated powers, and that all invoices are addressed to and received by the Council at its Salisbury Gardens office.

Members of this Committee have a particular responsibility to make decisions and award contracts transparently and objectively, and it is recommended that members avoid any discussions with any potential contractors until a contract has been awarded, so as not to compromise the Council's obligation under the Public Contracts Regulations 2015 to treat all contractors equally and without discrimination.

4) DECLARATIONS OF INTEREST

The Public Contracts Regulations 2015, Para 24 (2), which are current, define a conflict of interest, in the context of public procurement, as being any situation where someone has “directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence”.

Members are reminded that if they (or their partner) have any employment or financial relationship, including any undischarged contract, with any firm that is the subject of a decision, this represents a possible Disclosable Pecuniary Interest which must be disclosed at the meeting, with the member withdrawing from participation in that decision, and that failure to do so represents a criminal offence. Further details are set out in the VTC’s own Members Code of Conduct.

Any personal relationships with contractors or potential contractors should be declared as a personal interest before any decision involving that contractor is made. The Local Government Association defines relationships that could give rise to conflicts of interest as being those with “someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts”.

5) RECOMMENDATIONS

That the Committee:

- a) notes the legal regulations and other requirements within which members are required to work, as set out in this report;
- b) refers to Policy & Resources Committee the outstanding matter of a new Procurement Policy for the Council, and asks that this committee be consulted during the development of any such policy;
- c) notes that individual Councillors must never purport to represent VTC nor issue instructions to contractors or potential contractors, nor invite them to carry out or quote for works, which are tasks that must be executed by properly authorised staff;
- d) authorises the Clerk at her discretion to correct former misunderstandings and to advise any or all of the Council’s contractors that individual Councillors are prohibited in law from issuing them with instructions or invitations to carry out or quote for works, and that any such communications received should be disregarded and advised to the Clerk.

APPENDIX: TERMS OF REFERENCE

BUILDINGS MAINTENANCE COMMITTEE

General

The Committee is a Standing Committee governed by the Standing Orders and by regulations. The Town Council will appoint the Committee and determine its composition, quorum, role and functions. The Terms of Reference should be read in conjunction with the Town Council's adopted Standing Orders and Financial Regulations.

Composition

- a) The Committee will comprise five councillors.
- b) The Committee's Chair will be appointed annually by the Town Council.
- c) The quorum of the Committee will be three members.

Authority

The Committee:

- a) may expend funds within the budgets agreed by the council to fulfil its terms of reference (but not move funds between budgets);
- b) may make recommendations to the Council;
- c) may establish subcommittees and/or working groups that report to the Committee;
- d) is empowered to consult, insofar as it might consider necessary or desirable, any other committee of the Council or with any other Council or outside body or person;
- e) may decide any specific such matters that are delegated to it by the Council from time to time.

Role and Functions

The Committee will meet as and when requirements dictate and at least five times each council year (typically in January, March, June or July, September and November), and have the following role and functions:

- a) To be responsible for the operational management, maintenance and cleaning of the Town Council's freehold and leasehold physical buildings, including Salisbury Gardens, all public toilets, the paddling pool, Ventnor Central, the first aid hut, the existing park buildings (kiosk, bandstand & gardeners' store, and the electrical supply), and maintenance of the Outfit gym;
- b) To review and fulfil the legal and insurance responsibilities that come with these physical assets, including making appropriate risk, fire, utility and health inspections and assessments, and maintaining all alarms, CCTV, and signage;
- c) To review and recommend to a meeting of the full Council the levels of rents and charges to be made for occupation of (or use of, or access to) the Council's buildings.
- d) To explore options for future management of the Town Council's buildings and make recommendations to meetings of the Town Council accordingly, overseeing the management of any buildings projects arising from Council decisions.