

**Present:** The Mayor, Councillor Glen Lambert  
The Deputy Mayor, Councillor Ken Arlett  
Councillor Sara Abey  
Councillor Julian Brookes  
Councillor Stefan Gawrysiak  
Councillor Will Hamilton  
Councillor Lorraine Hillier  
Councillor Laurence Plant  
Councillor Ian Reissmann (Vice Chair)  
Councillor Jane Smewing (Chair)

**In attendance:** Janet Wheeler– Town Clerk  
Liz Jones – HTC Accountant/RFO  
Cath Adams  
1 member of the media  
5 members of the public

88. **APOLOGIES FOR ABSENCE**

There were no apologies.

89. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

90. **PUBLIC PARTICIPATION SESSION**

*Mr Tony May of the Friends of Freemans Meadow (FFM)*

Mr May spoke in Mr Carroll (also of FFM)'s absence to the item to be discussed at Agenda Item 8, Freeman's Meadow, and specifically the recommendation of seeking legal advice on possible restrictions against the Council erecting structures at the site in the future. As the legislation covering Town Greens is Victorian and there is little relevant case law the exact wording is open to interpretation. Mr May had prepared extracts from the Inclosure Act of 1857 and the Commons Act of 1876 both of which protect designated Town Greens as places of enjoyment for the local community with some allowance for structures designed to improve enjoyment of the space. Mr May concluded that the Council would need to consider its options. He mentioned that FFM would be strongly against the installation of public toilets on the site.

*Ms Kellie Hinton, Queen Street*

Ms Hinton reiterated Mr May's comments on the subject and supported the Council in recommending that legal advice be sought at Agenda Item 8. Ms Hinton also commended the proposals to fund the upgrade of the playground at Freeman's Meadow and install new fencing; pedestrian gates and vehicular access.

91. **MINUTES**

The Minutes of the meeting of the Finance Strategy and Management Committee held on 12 February 2019 were received, approved and adopted and signed by the Chairman as a true record.

92. **VARIATION IN THE ORDER OF BUSINESS**

In accordance with Standing Orders 5(a)(vi), it was **RESOLVED**

**that in view of the members of the public present, the order of business is altered to allow Agenda Item 8 – Freeman’s Meadow to be brought forward and considered before item 5 – Progress Report.**

**that in view of the members of the public present, the order of business is altered to allow Agenda Item 14 vi) – Freeman’s Meadow Play Equipment (under Confidential but not considered to be prejudicial to the public interest) also be brought forward and considered before item 5 – Progress Report.**

93. **FREEMAN’S MEADOW**

Following recommendation at the FSM meeting on 12 February 2019, research had been undertaken into the legality of erecting structures on Freeman’s Meadow for the better enjoyment of the community if the Meadow were to be registered as a Town Green. Due to the complexity of the ancient Regulations, suitably qualified professional advisers had been asked to present quotes to undertake such work as they felt necessary to reassure the Council as to its ability to erect structures for the better enjoyment of the site should the Council wish to do so in the future.

**It was RESOLVED that the Council approve expenditure on legal fees of £900 - £1,250 plus VAT and disbursements per Company C, to be taken from the legal fees budget in 2019-20.**

Cllr Reissmann asked the Town Clerk to look at historic work already carried out on village greens for both Gillotts Field and Makins.

94. **FREEMAN’S MEADOW PLAY EQUIPMENT**

Councillors were reminded that the project has been advertised on Contract Finders, with seven interested parties submitting quotes from which three had been short-listed and were being considered by a working party (the Upgrade of Freemans Meadow Playground Working Group) under approved delegated powers. The Council is therefore fully compliant with its Financial Regulations. A budget of £60k for enhancements had previously been identified by the FSM Committee on 4 December 2018 within balances under earmarked reserves, and approved at that meeting subject to the R&A Committee seeing and approving the plans. This condition has now been met. The FSM Committee is also being asked to identify a budget for additional costs of up to £10k for gates and fencing, the recommendation being that this also comes from earmarked reserves (playground enhancements/operation parks).

**It was RESOLVED that:**

- expenditure of up to £60k be funded from earmarked reserves for the upgrade of the playground of Freemans Meadow;
- the cost of the fencing, 2 x pedestrian gates and a vehicular gate of up to £10k also be taken from earmarked reserves;
- in order for the playground to be open for the summer holidays, the Upgrade of Freemans Meadow Playground Working Group be given delegated powers to place the order in accordance with the budget allocation above.

95. **PROGRESS REPORT**

**It was RESOLVED that the Progress Report be received and noted.**

96. **FINANCE**

i) **Dashboard papers and Management Accounts**

It was noted that since the February Management Accounts had been completed three 'better than budget' figures for the full year can now be confirmed: income from Mill Meadows parking will be £221.6k (budget £215k), CCTV camera costs will reduce to £24.3k (budget £25.5k) and investment income will be £176.4k (budget £165k). The latter figure could be partially attributable to the review of IMs undertaken in 2016.

**It was RESOLVED that the reports be received and noted.**

ii) **Investment Performance**

**It was RESOLVED that the update be received and noted.**

iii) **List of approved payments since February 2019**

**It was RESOLVED that the report be received and noted.**

iv) **Cumulative suppliers list for 2018-19**

**It was RESOLVED that the report be received and noted.**

v) **HTC's own Grant Applications**

**It was RESOLVED that the report be received and noted.**

vi) **Expenditure from CIL funds.**

Councillors were asked to consider the allocation of its CIL funds towards legal fees regarding a traffic survey £3,662 and, as a late addition following a Transport Strategy Meeting on 1<sup>st</sup> April 2019, costs of up to £1k to be paid to Henley In Transition towards the No Idling Campaign. The latter costs are to be match funded by SODC from their Air Quality fund and will be fully accounted for before payment is made. Costs are likely to include more stickers and posters as well as securing the services of an independent campaign adviser from London.

**It was RESOLVED that the report be received and noted and it was APPROVED that the above items of expenditure to come from the Council's share of CIL funds.**

97. **EARMARKED RESERVES**

It was felt that all items included in earmarked reserves should be preserved for the new administration to consider in due course, following the May elections.

**It was RESOLVED TO RECOMMEND that Councillors note the reserves included in the carry forward column of the Schedule, and approve that they remain as stated.**

98. **ESTATE INSPECTIONS**

It was explained that the report only covered buildings within the Town, with further inspections to be undertaken shortly by Parks Services on all Council land and their operational buildings. A suggestion was made that the West Street Stores be treated as a separate building to the Old Fire Station Gallery in future.

**It was RESOLVED that the report be noted.**

99. **GDPR**

The RFO confirmed that the policy on Subject Access Requests has now been completed (report point 3.2) and the Policy on Data Breaches is underway (report point 3.3). Councillors were reminded on the importance of destroying unnecessary hard and soft copies of Council information and were made aware of the requirement for outgoing Councillors to certify that they have destroyed all Council information, and for remaining and new Councillors to certify that their computer and IT devices are encrypted and password protected.

**It was RESOLVED that the report be noted and thanks were given to the Responsible Finance Officer for her work on this item.**

100. **HENLEY LITERARY FESTIVAL APPLICATION FOR FREE USE OF ROOMS**

It was explained that the application covered free use for meetings during the year, not the free use of rooms for the Festival itself. The usual free use terms for community organisations regarding specific days and times so that extra caretaker hours are not required would apply. The application was received well before the T&C Committee made the recommendation that such applications be considered only at the twice yearly grant meetings so it would be unfair to require the Festival organisers to wait until September 2019 for a decision.

**It was RESOLVED to RECOMMEND that the request for free use be granted under the normal terms and conditions.**

101. **SERVICE LEVEL AGREEMENT WITH OCC LEGAL SERVICES**

OCC issues an annual Agreement indicating the services they will provide to the Council and charge out rate. The Agreement for 2019-20 is expected imminently and it is suggested that the Town Clerk and RFO be given delegated powers to sign the Agreement each year until further notice, provided that the rates remain favourable and that there is an opportunity for the Town Clerk to give feedback to OCC on the service received. This opportunity is generally offered at the end of each financial year, and has been received for 2018-19.

Some Councillors expressed a wish to speak further to this item under Confidential.

It was **RESOLVED** that:

- **The Town Clerk and RFO be given delegated powers to sign the SLA on the conditions indicated above**
- **This item be considered further in the confidential section of this meeting.**

102. **EXCLUSION OF THE PUBLIC AND THE PRESS**

It was moved by the Chairman and

**RESOLVED** that the public and the press be excluded from the remainder of the meeting in accordance with the Public Bodies (Admission to Meetings) Act 1960 as matters which were about to be discussed were considered to be confidential.

**MINUTES OF THE CONFIDENTIAL SESSION OF THE MEETING OF THE FINANCE STRATEGY & MANAGEMENT COMMITTEE HELD ON 2 APRIL 2019**

103. **CONFIDENTIAL**

**SERVICE LEVEL AGREEMENT WITH OCC LEGAL SERVICES – continued from Minute 102 above**

Following on from Minute 101 the following concerns regarding OCC's legal advice were considered in Appendix A.

It was recognised that the SLA does not in any way prevent the Council seeking advice elsewhere.

**i) LEGAL UPDATE**

The updates were noted and the following comments made:

Part a) – Fairmile Access.

A late update was received from the Planning & Projects Manager following a discussion with the Council's agent for the negotiations. The Option fee detailed in Appendix B was not accepted by Thames Properties but they are still prepared to pay £10k towards the Council's professional fees as indicated previously.

Since Council's understanding had always been a) we would not expect a payment simply for entering into the option agreement and b) the promotion costs would be capped as stated in Appendix B, Councillors were happy to proceed on this basis. This should however be subject to any further legal advice and VAT advice to ensure that the transaction is transparent and within the law.

Part d) – Henley Rugby Club sub-lease to Physiologic

The Town Clerk to chase OCC to see why it is taking so long to be sent a copy of the final version so that they can confirm that Physiologic only have an option to renew rather than an automatic right to renew at the end of the current lease term. The Town Clerk also to reaffirm to OCC to pass on to the Rugby Club that the Club is liable to pay for the Council's legal costs in regarding to the sublease as was stated at the start.

Part g) – New Street Slipway

The Committee Administrator to chase SODC reference legal ownership.

Part h) – Bath Site

In the short term absence of the Committee Administrator, the RFO to chase up the agreement of the sixth licence holder and any funds that remain outstanding for 2018-19. The current licences expire on 30<sup>th</sup> April.

**It was RESOLVED to RECOMMEND that the Legal Update be noted.**

**ii) SPORTS CENTRE MANAGEMENT UPDATE**

The Town Clerk gave a verbal update. A handover meeting occurred on 1<sup>st</sup> April 2019. The cleanliness of the changing rooms was very poor and it was noted that GLL are prepared to meet the Council half way with the cost of a deep clean. Quotes for a deep clean and ongoing cleaning contract are being sought.

**iii) STREET CLEANER UPDATE**

Due to a pending court case – the minutes of this section must be referred to in the Confidential Appendix C.

**iv) LEGAL AND PROFESSIONAL FEES UPDATE**

**It was RESOLVED:**

- to **NOTE** the fees incurred for 2018-19;
- to **RECOMMEND** that the £3,662 for transport survey be reallocated to CIL (see minute 96 vi) above)
- to **RECOMMEND** the accounting treatment of legal fees in accordance with the RFO's suggestions at points 3.3(a), 3.3(c), 4.1 and 4.2 in the report.

**v) 353- 357 READING ROAD**

**It was RESOLVED that the notes of the meetings on 12<sup>th</sup> February, 28<sup>th</sup> February and 14<sup>th</sup> March 2019 be received and noted.**

A report had been circulated earlier in the day to Councillors regarding funds for a preliminary ecological appraisal at Waterman's Spinney. The survey would feed into a future management plan for the Spinney which was considered to be useful.

Further details of this discussion can be seen in the confidential Appendix D.

**It was RESOLVED to RECOMMEND that the engagement of an ecological consultant to carry out a Preliminary Ecological Survey (up to £2k) be approved, the cost to be funded initially from the 2019-20 legal and professional fees budget.**

**vii) FREEMANS MEADOW PLAY EQUIPMENT**

Considered at minute 94 above.

**viii) NOMAD'S USE OF BRUNNER HALL**

Councillors considered the report and the good work being undertaken by NOMAD and Headway and felt that the legal costs of preparing a licence for sub-letting or to share occupation should be borne by the Council itself, to come from the balance of grants underspent in 2018-19. The cost is estimated at around £350 plus VAT, and the grants underspend amounted to £895.

**It was RESOLVED:**

- **To RECOMMEND that an agreement between Headway and NOMAD to share the premises as indicated in the report be supported in principle; and**
- **That the legal costs associated with the preparation of an appropriate license be paid for by the Council, to come from the balancing 2018-19 grants budget.**

The meeting closed at 9.10 pm

Chairman  
04.04.19