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10<sup>th</sup> September 2019

## SUMMONS

**To all members of Trowbridge Town Council:** Councillors: Bates, Bazan, Beaver, Blackmore, Blakemore, Brice, Bridges, Bryant, Cavill, Cooper, Drewett, Fuller, David Halik, Deborah Halik, Hill, Hoar, King, Kirk, Oldrieve, Palmen and Whiffen

Dear Councillor,

You are hereby summoned to a **Full Council** meeting of Trowbridge Town Council to be held on **Tuesday, 17<sup>th</sup> September 2019**, at 19.00hrs, in the **Council Chamber, The Civic Centre, St Stephen's Place, Trowbridge.**

Yours faithfully,

Lance Allan  
Town Clerk

Enquiries to Lance Allan on 01225 765072 or email [lance.allan@trowbridge.gov.uk](mailto:lance.allan@trowbridge.gov.uk)

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## AGENDA

**The Mayor to welcome newly elected councillors.**

1. **APOLOGIES**

- a) **To receive** apologies from those unable to attend.
- b) **To consider for approval** apologies received with reasons for absence.

2. **DECLARATIONS OF INTEREST AND OF ACCEPTANCE OF OFFICE**

- a) **To receive** Declarations of Interest in respect of matters contained in this agenda, in accordance with the provisions of the Local Government Act 1972 in respect of officers and in accordance with the provisions of the Localism Act 2011 in respect of members.
- b) **To receive a report from the Town Clerk** regarding the receipt of declarations of acceptance of office of new councillors.  
**Councillor Hoar has made his Declaration of Acceptance of Office.**
- c) **To consider** any Dispensation Requests received by the Town Clerk and not previously considered.

3. **MINUTES OF PREVIOUS MEETING**

- a) **To read and approve** as a correct record the Minutes of the Full Council on 16<sup>th</sup> July 2019; copies of these Minutes have been circulated and Standing Order 17 provides that they may therefore be taken as read.
- b) **To report and to note** any matters arising there from.

## 4. MINUTES OF COMMITTEES

To receive reports, minutes and recommendations from Committees already circulated, enclosed herewith or to be circulated and to consider any questions arising from them.

- a) **Town Development Committee** meetings held on 23<sup>rd</sup> July, 20<sup>th</sup> August, and 10<sup>th</sup> September 2019 (the latter to follow)  
**Questions to Councillor Whiffen**, Chair of the committee.
- b) **Leisure & Information Services Committee** meeting held on 27<sup>th</sup> August 2019  
**Questions to Councillor David Halik**, Chair of the committee
- c) **Policy & Resources Committee** meeting held on 3<sup>rd</sup> September 2019  
**Questions to Councillor Fuller**, Chair of the committee.

## 5. COMMITTEE PLACES

a) To consider changes to the committee places following the election of a new councillor in Central Ward. Following the most recent election result the political make-up of the council has changed and this has an impact on the distribution of committee places. There are 5 committees each with ten places.

Group	Seats	%	Committee places	Current
Conservative	9	42.86	21	24 - 3
Lib Dem	10	47.62	24	21 + 3
Independent	2	9.52	5	5
Vacant	0	0	0	0

Therefore 3 members of the Conservative Group will have to be removed, one each from three of the following committees: Policy & Resources, Town Development, Leisure and Information Services and Neighbourhood Services and replaced by members of the Liberal Democrat Group.

## 6. DECLARATIONS OF INTEREST

- a) To receive Declarations of Interest not already included on the Register in respect of matters contained in this agenda, in accordance with the provisions of the Local Government Act 1972 in respect of officers and in accordance with the provisions of the Localism Act 2011 in respect of members
- b) To consider for approval any Dispensation Requests received by the Town Clerk and not previously considered.

## 7. COMMUNICATIONS BY THE MAYOR

- a) To receive a list of events attended (copy attached).
- b) To consider any matters of significance to report.
- c) **Our Trowbridge Community**

The prime objective of my Mayoral Year is to attract more volunteers to support the already significant work being done in the community, by raising the profile of and more fully integrating the work of local community groups and charities, whether they ferry the elderly and infirm to and from appointments, manage cadet forces, focus on leisure and sporting activities, keep our meadows, parks and cemeteries pristine, or care for the lonely and vulnerable of all ages. While Deputy Mayor I also discovered that many organisations were doing fabulous work but were often unaware of others working in parallel: I believe that everyone can benefit from conversation, cooperation and collaboration. By bringing together the many dozens of volunteer groups, associations and leisure societies which are so active in Trowbridge I believe we can help the community and help each other. The Conference will be an opportunity to explore ways in which we can work together more effectively, avoid duplication and perhaps fill in some gaps.

One key problem is that those currently organising groups are, by and large, those who would like to hand over to younger people many of whom are prepared to volunteer but are reluctant to take on the committee work which is so essential.

To consider the following

**RECOMMENDATION** That Trowbridge Town Council supports the Mayor's initiative to hold a major conference entitled 'Our Trowbridge Community' with the strap line 'Conversation, Co-operation and Collaboration' at The Civic Centre in February 2020.

8. **OPEN FORUM**

a) To receive any questions from the public, which may be answered but not debated.

b) To receive a brief presentation from Dr Stephen Locke and Dr Lucy Thompson – Trowbridge Primary Care Network

9. **POLICE MATTERS**

To receive a report from Inspector Andy Fee (copy attached).

10. **QUESTIONS FROM COUNCILLORS**

To consider the following:

a). **Question from Councillor Edward Kirk:**

Could an explanation of the following be given?

The extract below is from the Officer's report to the Leisure Services Committee meeting dated 27th November 2018 and 26th February 2019.

**2.5 Bandstand Project** - We have commissioned PKA Architects to carry out the small revisions to the plans for our storage facility in order to submit a formal planning application. The changes include removing the 3 vehicle bay canopy and a rearrangement of the storage units to be 3 consistent sized units with one roof level. This should reduce the cost of the build. There will be at least 5 van parking spaces in the space saved by amending the stores design. We would need to ask a QS to reprice once the updated plans are submitted. The plans also address the left hand side area (which originally included the toilet block) where after a discussion with the architect the proposal is to create an area which would be planted with the textile plants linking to the town's heritage, some low level bushes and for a small service station to be built beside the bandstand. This would provide a source of metered power and water supply to users of the park or bandstand without having access to our secure storage facility.

This demonstrates to me and anyone reading our minutes together with the Officer's report, that the demolition of toilets was a pre-determination, as the architect was instructed to revise the plan and remove the toilet block a full six months before the vote on the demolition (21st May 2019)?

**Response from the Town Clerk:**

The Full Council considered the matter of PUBLIC TOILETS at its meeting on Tuesday 20<sup>th</sup> November 2018 and the minutes record as follows:

**3178 PUBLIC TOILETS – (Copy report attached)**

The committee considered the recommendation that the Park toilets remain closed and the report, copies of which had previously been circulated with the agenda. There was some mixed feeling in respect of whether the toilets should be closed or not.

Councillor Fuller moved that the committee accept Recommendation 1, which was seconded by Cllr Cavill.

It was therefore

**RESOLVED That the Park toilets remain closed.** It was also

**RESOLVED that the town council obtains an indication of the cost of demolishing the building.**

It is therefore wholly appropriate that in taking forward the Park Storage Project the officer(s) had sought options from the design team for the landscaping of the area which included the toilet block.

Cllr. Kirk attended both the 20<sup>th</sup> November and 27<sup>th</sup> November meetings.

The minutes of the 27<sup>th</sup> November meeting do not record anything regarding this report item.

The report to the Leisure and Information Services Committee on 26<sup>th</sup> February was not as suggested by Cllr. Kirk, it was the following:

**8.3 Bandstand Project (AGENDA ITEM 7)** - A second meeting has taken place with the architect to view landscaping and the new storage unit drawings. I have asked for a drawing to include the retention of the toilet block as we are still awaiting a decision on whether to demolish or retain the building. The changes include removing the 3 vehicle bay canopy and a rearrangement of the storage units to be 3 consistent sized units with one roof level. **This will reduce the cost of the build.** There will be at least 5 van parking bays in the space saved by amending the stores design.

QS have been requested to re-cost the new designs and these costs are attached with the plans. In order to submit a revised planning application, we need to confirm one of the 3 landscaping designs.

- **Option 1 – The Thread - £78,535**
- **Option 2 – The Tapestry - £93,944**
- **Option 3 – The Patchwork - £104,640**

**My recommendation is Option 1 “The Thread”** as not only is this design the lowest cost by the QS, it flows better for the area and also allows for the retention of the existing WC block. There is a mix of textile and brewery related planting and some plain grassed areas for public to enjoy. It also carries the least amount of ‘hardscaping’. Subject to approving Option 1 our architect will then continue to provide detailed drawings ready for planning and tendering, which address the conditions within the original planning officer’s report.

It is important to note that there is also a planning condition stating that we need to commence the landscaping works as soon as the apartments are completed, and the landscaping should be completed within 3 months. The builder has indicated to me that we could start as early as late April as they will be finished using that area, which would provide us a better window for planting. The apartments are on course to be completed summer 2019.

The brief provided by me to the architect was to consider incorporating planting that links with Trowbridge’s history. They have done a great job of choosing plants used in textile and those used in the brewery industry, both of which are prominent features of the town’s past.

**I have already identified possible savings (already identified in the QS report) of around £10-12k. The revised building costs are in total £40-50k less than the original plans that were costed last year.** The council intends to borrow £300,000 which the Town Clerk has already reported on, with £43k allocated from S106 monies and further funds will be available from the CIL expected from Bradley Road. We can also look to find savings via the tendering process.

#### **RECOMMENDATION**

**That the town council requests the architect**

- to include landscaping design option 1 ‘The Thread’ to the overall site plan**
- to prepare the documents to include these revisions and submit a planning application, upon approval of which the town council then proceeds with tendering out the works.**

I am sure councillors and members of the public will be able to come to their own conclusion from reading the correct and comprehensive reports and minutes as to whether there has been any pre-determination on the part of the council or officers with regard to the decision of the council to demolish the toilets.

## **II. MOTIONS**

**To consider the following motions submitted by councillors:**

**a). Motion from Cllr Kirk 19/09/04 0803**

**That the Council adopts a policy of using unique reference numbers with application dates for all the FOI requests it receives. This is to ensure that the anonymity of the applicant is maintained when appropriate.**

Following a request from the Town Clerk, Cllr. Kirk provided the following additional information: There are two points essentially. I am very concerned that names were being released and that we seem to be combining entirely separate FOI’s as a single application. Therefore if we can both retract names and ensure that FOI’s are classified as separate cases – I will be happy.

**TOWN CLERK’S REPORT ON THIS MOTION.** The Clerk has advised the Mayor that this motion should be considered immediately prior to the consideration of agenda items 14 & 15. Councillors have been provided with a full report into a series of recent FOI requests and associated correspondence and complaints for items 16 & 17.



Councillors will therefore be able to assess for themselves whether the phrase above; 'combining entirely separate FOI's as a single application' is an appropriate way of describing the matters to be considered.

It is wholly appropriate for the Full Council, that is all 21 councillors, to consider a matter relating to a complaint about the Town Clerk. The council's Complaints Procedure states as follows:

7. If you do not wish to report your complaint to the Town Clerk, you may make your complaint directly to the Mayor who will report your complaint to the appropriate committee of the Council or to the Full Council.

8. The Town Clerk or the Committee of the Council or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.

If an information requestor/complainant communicates separately with a number of councillors about the issues that they have with their request/complaint it is wholly appropriate that the councillors are made aware that it is the same person who has entered into multiple communications with a number of different people from the same organisation about a single subject.

We have checked with our Data Protection Officer (DPO) and with the regulations and it is appropriate to pass on the names of requestors/complainants in such circumstances.

If the motion is adopted as written it implies a link between the numbering of requests and anonymity, it remains unclear how this would ensue. FOI requests are already recorded in date order on our systems.

**b). Motion from Cllr Kirk 19/09/04 0837**

**That the Park Storage Unit development is suspended, pending further investigation into its suitability as one potential site for a Public Toilet provision in the Park.**

**TOWN CLERK'S REPORT ON THIS MOTION.** The town council has approved the construction of the Storage facility which will improve the Park, save costs on the long term and will provide a permanent location for the councils new street-sweeper. The council has obtained planning permission, is party to a legal agreement to undertake associated landscaping works and has secured the loan finance and other funding to complete the work.

**c). Motion from Councillor Chris Hoar 19/09/04 0934**

**Trowbridge Town Council To Declare A Climate Emergency**

**TOWN CLERK'S REPORT ON THIS MOTION.** The Policy & Resources Committee considered a proposal from the Mayor at its meeting on 3<sup>rd</sup> September and  
**RESOLVED: That Trowbridge Town Council approves in principle the development of a carbon reduction strategy along the lines of that recently approved by Bradford on Avon Town Council.**

At that meeting it was also noted that a Wiltshire Climate Change Workshop was being held on Wednesday 11<sup>th</sup> September at Holy Trinity Church at 19:30 and that the newly formed group Trowbridge Environmental Community were holding an inaugural meeting at the Town Hall on Saturday 28<sup>th</sup> September.

**12. SPECIAL SCHOOL PROVISION IN WILTSHIRE**

**To consider** a response to Wiltshire Council's Briefing Note No. 19-023 by the deadline of 9am on Monday 30 September 2019.

**13. REPRESENTATIVES ON OTHER BODIES**

- a) To appoint** any new councillors to vacant positions on outside bodies (copy attached).
- b) To receive** any reports from Representatives on other Bodies.

## 14. **TCAF PORTACABIN AT STUDLEY GREEN**

**To consider for approval** permission for TCAF to locate a modular building at Studley Green, as per the letter (attached) and indicative drawings (attached). Final detailed location to be subject to planning, utilities and landscaping.

**RECOMMENDATION: To approve permission for TCAF to locate a modular building at Studley Green for youth activities in the area of land between Lambrok Road and the Multi-Use Games Area.**

## 15. **MEDIA**

a) **To note** the Press Release list (copy attached)

b) **To consider** if the Council should make a press release/social media report regarding any of the issues considered by this meeting.

i) **The Mayor's Community Conference.**

ii) **Clarification of the decision making process with regards to the Town Park Storage Project.**

iii) **Environmental Policy.**

## 16. **EXCLUSION OF PUBLIC & PRESS**

That; in accordance with the Public Bodies (Admission to Meetings) Act 1960, it would be prejudicial to the public interest by reason of the confidential nature of the business about to be transacted; and therefore the meeting do resolve that the public and press be temporarily excluded and be instructed to withdraw.

## 17. **FREEDOM OF INFORMATION REQUESTS AND COMPLAINTS REGARDING THE HANDLING OF THEM**

**To consider** a report (PRIVATE AND CONFIDENTIAL – copy sent under separate cover)) and recommendation regarding Freedom of Information requests and complaints received. Also attached are copies of:

A. The Town Council's Complaints Procedure

B. The Town Council's Freedom of Information Policy.

C. The ICO guidance on dealing with vexatious requests

D. The ICO guidance on time for compliance

E. The ICO guidance on the public interest test

**RECOMMENDATION:**

a) **That the Council agrees a response to the complaint(s) about the way in which the Town Clerk dealt with earlier FOI requests.**

b) **That the Council approves one of the following:**

i) **Declares the FOI requests related to the Planning Application for the Park Storage Project as vexatious and advises the requestors accordingly.**

ii) **Declares that on balance the releasing of the information related to the Planning Application for the Park Storage Project fails the Public Interest test and advises the requestors accordingly.**

iii) **Releases the requested information related to the Planning Application for the Park Storage Project to the requestors.**

c) **That the Council confirms that in future the Town Clerk or his deputy is delegated responsibility for determining if any such requests are vexatious so that responses can be made within the time limit required.**

## 18. **DATE OF NEXT MEETING**

**To note** the next meeting will be the Full Council meeting on Tuesday 19<sup>th</sup> November 2019 in the Council Chamber, The Civic Centre, St Stephen's Place, Trowbridge.