



Civic Centre
St Stephen's Place
TROWBRIDGE
Wiltshire
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11th March 2020

SUMMONS

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

Dear Councillor,

You are hereby summoned to a **Full Council** meeting of Trowbridge Town Council to be held on **Tuesday, 17th March 2020** at 19.00 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

AGENDA

1. **APOLOGIES**

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

2. **MINUTES OF PREVIOUS MEETING**

- a) **To read and approve** as a correct record the Minutes of the Full Council on 21st January 2020; copies of these Minutes have been circulated and Standing Order 17 provides that they may therefore be taken as read. www.trowbridge.gov.uk/wp-content/uploads/2020/01/200121-Full-Council-Minutes-unapproved.pdf
- b) **Minutes of Full Council May 2019** - To note that: The minutes of the 21st May 2019 meeting cannot be changed now that they have been approved, but for the avoidance of doubt the recorded vote at that meeting regarding the demolition of the toilets was as follows:

FOR:	Bazan, Beaver, Blackmore, Blakemore, Brice, Bridges, Bryant, Cavill, Drewett, Fuller, David Halik, Deb Halik, King & Oldrieve
AGAINST:	Kemp, Kirk and Palmen
ABSTENTION :	Whiffen

- c) **To report and to note** any matters arising there from.

3. **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.
www.trowbridge.gov.uk/your-council/meetings/

- a) **Town Development Committee** meetings held on 28th January, 18th February & 10th March 2020
Questions to Councillor Whiffen, Chair of the committee.
- b) **Leisure & Information Services Committee** meeting on 25th February 2020
Questions to Cllr Halik, Chair of the committee
- c) **Policy & Resources Committee** meeting held on 3rd March 2020
Questions to Councillor Fuller, Chair of the committee.

4. **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.

6. **COMMUNICATIONS BY THE MAYOR**

- a) **To receive** a list of events attended (copy attached).
- b) **To consider** any matters of significance to report.
- c) **Celebrating Trowbridge** – 8th February 2020 – David Cavill to provide an update.

7. **OPEN FORUM**

- a) **To receive** a presentation from David Lockwood, Director of the Trowbridge Town Hall Trust on a Town Hall consultation.
- b) **To receive any questions** from the public, which may be answered but not debated.

8. **POLICE MATTERS**

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

9. **CODE OF CONDUCT**

a). **REFERRAL TO MONITORING OFFICER**

To consider if the town council should take any further action resulting from any conclusions of the Monitoring Officer following a referral by Cllr Beaver regarding his own actions.

As reported at the last meeting, Cllr Beaver had reported himself to the Monitoring Officer following issues raised by Cllr Kirk about the town council's Code of Conduct and the appropriateness of a member of the town council also acting as an agent for a developer when an application from that developer was on the agenda for the Town Development Committee.

The Mayor will invite Cllr Beaver and the Town Clerk to report on progress with consideration of the matter by the Monitoring Officer, any conclusions and any resulting actions.

b). **QUESTION**

To consider the following question from a councillor:

Cllr Kirk has raised a further question in respect of how these matters were dealt with at the Town Development Committee on 7th January as follows:

I am concerned that as a Town Council our Code of Conduct procedure, as advised by the Town Clerk, "The Town Council, rightly, within the regulations and Code of Conduct, does not distinguish between Councillors who are in attendance during consideration of an item as to whether they are or are not councillors.", is a discriminatory practice. From this statement, it is acceptable to be a Town Councillor and Member of the Town Development Committee and act as an agent for a Developer in giving a full presentation (including answering questions from the Public and Councillors), but a Councillor without a declarable interest in a planning matter, is not able to withdraw from a meeting and be present as a member of the public. We must be equitable in our policies and extend the same rights to all Councillors.

Town Clerk's response: Cllr Kirk is correct to assert that the practice is discriminatory, it discriminates between those who have declared an interest and those that do not. The law defines that a member with a Pecuniary Interest should do things differently from other councillors. The discrimination is fair, because it is within the limits imposed by legislation and regulation. It is not unfair discrimination. Many would argue that the current standards regime is poor, the National Association of Local Councils and others are currently seeking changes to make it more robust.

Cllr Sue Baxter, chairman of NALC, said: "NALC does not believe the current ethical standards arrangements are working as well as they could and a review of the regime is something we have long called for. We would like to see stronger sanctions available to local councils, including the power of suspension and disqualification. In light of our research, we are also asking the government to invest £2m towards a national training programme that would see all new councillors undertake training on ethical standards and the code of conduct as part of their induction." The Committee on Standards in Public Life is currently undertaking a review into local government ethical standards which is expected to report to the prime minister by the end of the year.

www.nalc.gov.uk/news/entry/1062-local-councils-in-favour-of-single-mandatory-code-of-conduct

c). **MOTION**

To consider the following motion which has been submitted by Cllr Kirk who has also requested a recorded vote on the matter.

I propose the following, seconded by Cllr Cooper, which has been taken directly from Local Government Ethical Standards, a review by the Committee on Standards in Public Life, January 2019:

MOTION: That as a council we include in our code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".

(Recorded vote)

Town Clerk's response:

'Local Government Ethical Standards, A Review by the Committee on Standards in Public Life'

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

was published in January 2019 and included a list of 26 recommendations. Recommendation 7 is:

Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".

The relevant section of the Town Councils Code of Conduct and Standing Orders are:

Code of Conduct:

12. *Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions Trowbridge Town Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by Trowbridge Town Council.*

Standing Orders:

A12.2 *If any member who has declared an interest at any time considers the interest to be a Disclosable Pecuniary Interest he/she must not participate in any discussion and debate or participate in any vote on the matter unless they have obtained a dispensation and; may only make a statement of fact about their interest and answer any questions of fact from the Chair of the meeting, relating to the matter, which may assist with consideration of the matter **prior to the commencement of debate and discussion on the matter**; and must leave the room prior to the commencement of such debate and discussion and during voting on the matter in question.*

(Bold indicates legal requirements which cannot be suspended)

The review report recommendation #7 is a recommendation to the government to change the regulations. The government has not responded to the review report and has not changed the regulations. It would therefore be premature of Trowbridge Town Council to change its rules now. It should be noted that the current rules in the Code of Conduct and Standing Orders of Trowbridge Town Council are more restrictive than the current law and regulations and therefore to adopt the change recommended by the review and encapsulated in Cllr Kirk's motion would have no material change in the way in which councillors of Trowbridge Town Council are expected to act.

TOWN CLERK'S RECOMMENDATION: That the Code of Conduct and Standing Orders should not be changed at this stage to reflect the recommendations of the 'Local Government Ethical Standards, A Review by the Committee on Standards in Public Life', but that the town council should review them as and when the government acts to change the law and/or regulations.

d). FREEDOM OF INFORMATION REQUESTS

To note the following:

In addition to the detail which has been reported by the Customer Services Manager in the report to the Leisure & Information Services Committee I can confirm that a Freedom Of Information (FOI) request has been received by the Council requesting details of Dispensations requested by Cllr Beaver.

The requestor was told that this information did not exist.

The requestor made a complaint and asked for the response to be reviewed.

The Head of Service – Resources & Venues undertook the review and came to the conclusion that the information did not exist.

The reason the information does not exist is that Cllr Beaver has never made a dispensation request to the Town Council and therefore no dispensation requests can have been approved or rejected.

In fact, there are no Dispensation requests currently in force at Trowbridge Town Council as none of the current councillors have made a dispensation request.

Dispensation requests should only be made if the councillor considers that they should be able to participate in discussion and voting on a matter or remain in the room during discussion and voting on a matter and they are otherwise required to refrain from participating in the discussion and voting on the matter due to a declared interest.

I have been asked to provide the following information with regard details of all FOI requests on record:

Request details	Date request was received	Outcome	Exemption
Details of Council Tax	13/03/2014	Complete response sent	
Funds allocated to World of work programme	17/07/2014	Complete response sent	
Information and contractual information on Leisure facilities on Trowbridge	15/12/2015	Partial response sent	Information not held by the Town Council
Details relating to the Community Governance Review	20/07/2016	Complete response sent	
Details of costing for Rail	16/05/2017	Complete response sent	
Details of prosecutions of infringements under the Town Park bye-laws for the past 10 years	15/05/2018	Partial response sent	Town Council only responsible for the Park since 2013
Charges to Blood Transfusion Service at The Civic, Trowbridge	13/08/2018	Full response sent	
Details of Council Tax	14/03/2019	Complete response sent	
Public Toilets	18/06/2019	Complete response sent	
Public Toilets	19/06/2019	Complete response sent	
Public Toilets	24/06/2019	Partial response sent	
Copies meeting details regarding Weavers Market	02/07/2019	Complete response sent	
Plans for the Town including Bowyers site and building works	10/07/2019	Partial response sent	Information accessible to requestor by other means
Finance	26/07/2019	Complete response sent	
Public Toilets	23/08/2019	Complete response sent	
Public Toilets	23/09/2019	Complete response sent	
Public Toilets	19/07/2019	Partial response sent	Repeated information already requested by the requestor
Park Storage Unit	23/07/2019	Partial response sent	Repeated information already requested by the requestor
Public Toilets	23/08/2019	Complete response sent	To note – exceeded max. amount of £450.
SARS	12/09/2019	Complete response sent	
Request for policies	13/09/2019	Complete response sent	
Park Storage Unit	02/09/2019	Complete response sent	

The above information has now been added to the website.

www.trowbridge.gov.uk/wp-content/uploads/2020/02/FOI-Log-2014-to-2019-1.pdf

10. **REPRESENTATIVES ON OTHER BODIES**

a) To note the following reports from Representatives on other Bodies:-

Trowbridge Town Hall – a seminar for Trustees was held on 10th February to develop ideas and a strategy for the future of the Trust/Charity (Cllr Cavill).

Fairtrade Trowbridge Report - The Town has successfully taken part again in the annual Fairtrade Fortnight celebrations with promotional, school and community events. The committee would like to thank the Mayor and our MP for their support during the celebrations, together with everyone who supported Fairtrade Fortnight (Cllr Oldrieve).

11. **SEALING OF DOCUMENTS**

a) To consider for approval the sealing of: a Side Agreement with Wiltshire Council for the release of S106 funds from Ashford Homes for Play Areas in the sum of £29,168.23. This allows us to spend the funds on areas including Painters Mead, in addition to Hulbert Close and the Town Council has received written approval from Ashford Homes for this variation.

b) To consider for approval the sealing of: a Side agreement with Wiltshire Council for the release of S106 funds from; Newland Homes; Wain Homes; Gallagher, Heron Land & Smith; TC Sports & Shawbrook Bank; and Persimmon, Shanley, Holland & Smith, Ward & Kendrick and Nat West; in the sum of £555,307.32. This allows the Town Council to receive the funds prior to completion of the project.

12. **MARKETS**

To consider a proposal for the establishment of a market. The owners of Innox Mills, in preparation for the redevelopment of the site are proposing to hold a market at the site on the 3rd Sunday of each month from 19th April to 20th December. As the Market Authority, under the Food Act 1984 as amended by the Food Safety Act 1990 the town council has powers to establish a market within its area and therefore to approve or not the establishment of this market. The proposal is supported by the Wevers Market and does not require planning permission.

RECOMMENDATION: That Trowbridge Town Council approves the establishment of the Innox Market at Innox Mills on the third Sunday of each month between April and December 2020.

The Markets Policy will be amended to reflect this and other changes to markets in recent years.

13. **MEDIA**

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

14. **CALENDAR OF MEETINGS**

A revised Calendar of Meetings has been published. Please destroy previous versions.

Town Development committee meetings have been changed in **August, September & October.**

Leisure and Information Services committee has been changed to **22nd September.**

Museum committee has been changed to **6th October.**

Neighbourhood Services committee has been changed to **6th October.**

15. **DATE OF NEXT MEETING**

To note the next meeting will be the Full Council meeting on Tuesday 19th May 2020 in the Council Chamber, The Civic Centre, St Stephen's Place, Trowbridge at 19:00.

Please also note that the Annual Town Meeting will be held at 18:30 on Tuesday April 28th and will be followed by the Town Gathering and awards presentation at 19:00

EMERGENCY ITEMS – COVID 19 (Coronavirus)

The government is likely to make further announcements over the coming days and weeks which will restrict the ability of the council to function in the ways that it normally does, this may include suspension of council meetings, inability to deliver our services and other impacts. We are already experiencing cancellations for bookings at the Civic Centre and Active Trowbridge. Until the government makes such announcements we can only prepare for such changes. It is possible that the government will put in place measures which require us to make available buildings such as the Civic Centre for alternative public health or coordination activities and could also include the requisitioning of staff to undertake alternative duties.

In order to prepare for such changes and put in place the necessary decision making structure the following additional EMERGENCY items have been added to the agenda for this meeting.

16. COVID 19 – DELEGATION TO OFFICERS

To consider delegation to officers during the outbreak of COVID 19.

RECOMMENDATION: That the Council delegates to officers all necessary actions required of the Council to continue the council's activities and to respond to the requirements of the government, Wiltshire Council and other appropriate authorities.

17. COVID 19 – FINANCIAL IMPLICATIONS

To consider financial implications on the Council of the outbreak of COVID 19.

RECOMMENDATION: That all non-urgent and non-contractual expenditure is suspended, subject to review of individual items by the Town Clerk and Heads of Service and that all decisions necessary to limit the financial impact on the council are considered and implemented as necessary.

18. COVID 19 – STAFF ARRANGEMENTS

To consider arrangements for staff.

RECOMMENDATION: That the Council notes that it already has a scheme of delegation which delegates to the Town Clerk all matters relating to personnel and human resources and that this now includes any responses to COVID 19 and its implications and is extended to the Head of Service – Venues and Resources in the absence of the Town Clerk during the outbreak.

19. COVID 19 – MEETING ARRANGEMENTS

To consider arrangements for meetings.

RECOMMENDATION: That, subject to any requirement of the government that a number of councillors are required to self-isolate then all council meetings during that period will be suspended and urgent decisions, including responses to planning applications are delegated to the Town Clerk as per item 16.

20. COVID 19 – OTHER MATTERS

To consider any other matters relating to this subject.

If councillors wish to discuss any specific details of potential impacts on individual staff then the meeting will have to exclude members of the public and the press.