



The Civic Centre
St Stephen's Place
TROWBRIDGE
Wiltshire.
BA14 8AH
info@trowbridge.gov.uk

10th March 2021

SUMMONS

To all members of the 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 **The Meeting of Trowbridge Town Council** to be held on **Tuesday 16th March 2021**, at 19:00 on **Microsoft TEAMS**.

Yours faithfully,

Lance Allan
Town Clerk

Members of the public are welcome to attend meetings of the Council and Committees, unless specifically excluded due to the confidential nature of business. If you want to join this meeting please e-mail info@trowbridge.gov.uk General Enquiries: 01225 765072

AGENDA

This meeting will be recorded.

1. APOLOGIES

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

2. MINUTES OF PREVIOUS MEETING

- a. **To read and approve** as a correct record the Minutes of the Council meeting held on **19th January 2021** (Copy attached). Copies of these Minutes have been circulated and Standing Order A6.5.2 provides that they may therefore be taken as read.
- b. **To consider any matters** relating to those minutes.

3. MINUTES OF COMMITTEES

To receive and consider reports, minutes and recommendations of Committees already circulated, enclosed herewith or to be circulated. There have been the following meetings since the last meeting of Council.

- a. **Leisure & Information Services Committee** 9th March
Questions to the Chair – Cllr Bates
- b. **Town Development Committee** 2nd February and 23rd February
Questions to the Chair – Cllr Whiffen.
- c. **Policy & Resources Committee** 2nd March
Questions to the Leader – Cllr Palmen.

4. DECLARATIONS OF INTEREST

- a. **To receive Declarations of Interest** from members and officers (as per the agenda) as appropriate in respect of matters contained in this agenda, in accordance with the provisions of the Local Government Act 1972 in respect of officers and the Local Government Act 2000 and the Trowbridge Town Council Code of Conduct in respect of members.
- b. **To consider any Dispensation Requests** received by the Town Clerk and not previously considered.

5. COMMUNICATIONS BY THE MAYOR

To receive such communications as the Mayor may wish to lay before the Council.

- a. Mayor's Engagements

6. PUBLIC OPEN FORUM

To allow questions from the public which may be answered but not debated.

7. POLICE MATTERS

To receive a report from Sergeant Leighton Williams (copy attached).

QUESTION: Wiltshire Police have suggested to the town council that they issued tickets in relation to the Trowbridge PSPO which were not actioned by Wiltshire Council.

Wiltshire Council has suggested to the town council that they never received any tickets issued by the police in respect of the now defunct PSPO in Trowbridge.

Would it be possible for Wiltshire Police and Wiltshire Council to agree a joint statement on what went wrong with the implementation of the Public Space Protection Order in Trowbridge?

Were any tickets ever issued and if not why not?

If tickets were issued why did Wiltshire Council not process them?

Which of the two organisations is to blame for the failure of the Trowbridge PSPO?

8. DORIC PARK 3GATP (Report to P&R Item 4.2.2)

To consider:

The Town Clerk's report to the Policy & Resources Committee on 2nd March;

and the **RECOMMENDATION** from the Policy & Resources Committee:

RECOMMENDATION: That further to the resolution of the Council on 21st July 2020; the consultation has been completed and Trowbridge Rugby Football Club has approved the deal; we still await planning permission and tenders and therefore if planning permission and tenders are received before the 6th May the borrowing approval application will be submitted and if not then the Council will consider the project approval including borrowing approval application following the election.

and the **RECOMMENDATION** from the Leisure & Information Services Committee meeting on 9th March:

RECOMMENDATION: That it includes an additional Survey Monkey survey consultation to run from 17th March until 26th March, with officers and councillors able to promote the survey and the results of the survey will be submitted with the results of the other consultation when the council submits its borrowing application. "Do you support the Town Council's proposal that it develops a 3rd Generation Artificial Turf Pitch (3GATP) and associated facilities at Doric Park?"

9. **CODE OF CONDUCT (See Appendix A)**

To consider the **RECOMMENDATION** of the Policy & Resources Committee on 2nd March:

RECOMMENDATION: That the new Code of Conduct be adopted to come into effect on 7th May 2021 immediately following the election and prior to any members making their declaration of acceptance of office. And that it is readopted at the Annual Meeting of Council on 18th May 2021.

Town Clerk's Comments: This Recommendation will not bind the new Council to adopt this new Code of Conduct and it may adopt any form of Code of Conduct which is in accordance with the legislation.

AMENDMENT 2103042331a:

To consider an amendment submitted by Cllr Piazza and seconded by Cllr Kirk.

AMENDMENT: To add the following words to the new Code of Conduct in Section A. 'Statutory Interests' between paragraph 7 and 8: '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.'

If the Chair and vice-chair of P&R accept the amendment, then it becomes part of the substantive motion.

Town Clerk's Comments: This amendment is based on a recommendation of the Committee on Standards in Public Life – [Local Government Ethical Standards](#) - A Review (Jan 2019) which reads as follows:

Recommendation 7: 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 discussion or decision-making in relation to that matter".

The recommendation is 'the Common Law Test' which should always be considered by all Cllrs. It may be considered that until this becomes Statute law it would not be appropriate to add this to TTC Regulations. The government has still not made a formal response to these recommendations despite pressure to act from the Local Government Association, The National Association of Local Councils, The Society of Local Council Clerks and others. Whilst it was considered premature to include this in the Town Council's Code of Conduct previously, as the Council is now considering changes to the Code of Conduct and given the pressure being put on government from a range of organisations it might be appropriate to include this recommendation in the new Code of Conduct. It should be noted that the Standing Orders of the Council includes the following:

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.

I consider that this Standing Order would equally apply to councillors who have an interest which falls within the Common Law Test. This therefore means that in such instances councillors would still be in a position to make a statement of fact about their interest and answer any questions of fact from the Chair prior to debate and decision making on the matter.

10. MOTION 2102081502 - MAYORALTY

To consider the following motion proposed by Cllr Whiffen and seconded by Cllr Hill

MOTION: That the council sitting after the elections on May 6th 2021, consider; that due to the pandemic and restrictions imposed during 2020/202, and fund raising curtailed, the positions of Mayor and Deputy Mayor are continued for a further year with the current councillors retaining the positions, if re-elected.

Town Clerk's comments: If approved this would form the basis of a matter for the Full Council on 18th May to consider and would not bind the Council to any particular decision at that meeting.

11. MOTION 2102281944 – LEISURE FACILITIES

To consider the following motion proposed by Cllr Hoar and seconded by Cllr Oldrieve.

Preamble: As the County Town of Wiltshire Trowbridge deserves to have the very best facilities for its residents and we have long campaigned for Wiltshire Council to uphold their end of the bargain. Over many years we have consistently campaigned for new leisure facilities for the town including a new swimming pool. After helping Wiltshire Council win the Future High Street funding from the government, we now ask that Wiltshire Council listens to our long standing requests and delivers those facilities. This will not only benefit those who wish to use the facilities, but it will be an integral part of transforming the town's high street by being part of a varied and leisure focused experience, fit for the 2020's. Trowbridge has come a long way in the past decade and there is so much to look forward to, let's make it go much further in the next years to come.

MOTION: That Trowbridge Town Council write to Wiltshire Council asking them to commit to providing a new swimming pool as part of the long promised full leisure centre for Trowbridge.

12. MOTION 210304233 1b: HIGH STREET WORKING GROUP

To consider the following motion proposed by Cllr Piazza and seconded by Cllr Kirk.

Preamble: With the Chancellor announcing further measures to support the High Street, it is only right that Trowbridge Town Council moves forward to support Trowbridge High Street also. Trowbridge Town Council needs to play a more proactive role in supporting our small independent retailers and High Street as a whole, during times of crisis. I have hopes that with the Chancellor's budget, we are now entering the V-shaped-economic recovery part of this national emergency and can bounce back with job creation and supporting entrepreneurs. With the implementation of the £16.3m Future High Street Bid, Trowbridge has the potential of a bright future ahead. Trowbridge Town Council must therefore put together a working group that looks to support the Trowbridge High Street, looking out for residents and businesses. Business owners will have an input and, of course, not be expected to contribute financially for involvement.

MOTION: That Trowbridge Town Council puts into place a Strategy and policy framework to look at further supporting our High Street, this will be spearheaded by a newly established High Street Working Group, dedicated to proposing policy and putting **RECOMMENDATIONS** to committee/full council to support our High Street.

Town Clerk's Comments: I have made some minor amendments to make this motion appropriate and recommend that it be adopted so that the new council can incorporate it into the Council Strategy.

13. **MOTION 2103042331c – NHS BLOOD SERVICE**

To consider the following motion proposed by Cllr Piazza and seconded by Cllr Bazan.

Preamble: The proposer provided a preamble to the motion but the information provided in the preamble cannot be verified, were not related to the motion and in some cases was not correct and therefore the preamble has not been included in the agenda.

Proposers claim: 'We are charging £540 per session'

Facts: Trowbridge Civic Centre used to charge £450 until the end of October and now charges £283.50 per session.

MOTION: That Trowbridge Town Council organises and implements a 3-year plan to reduce the amount charged to the NHS to cost neutral. Councils should not be making a profit on the NHS Blood Service. This council also agrees to review its charging policy towards other NHS services that use the Civic Centre.

Town Clerk's Comments: The charges that the Town Council makes to the NHS Blood Service does not make a profit for the town council.

14. **MOTION 21030423331d – DORIC PARK**

To consider the following motion proposed by Cllr Piazza and seconded by Cllr Kirk.

Preamble: I believe in the Nolan Principles. One of the Nolan Principles is openness and states that 'holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.' Councillors have now received information regarding the planned usage of the Doric Park Project. This usage amount shows the difference of time during the week allocated to contracts with clients and public bookings. However, I have been instructed that I am not allowed to release this information to the Trowbridge public as it is confidential. This is something that I do not entirely agree with as the council are borrowing money to underwrite a capital project. If the project turns out to not be financially viable, then the Trowbridge taxpayer picks up the bill. It is also worth noting that surrounding villages will not pick up the tab, including Hilperton, which is where this pitch is being built.

[This section of the preamble contained irrelevant and inaccurate information and has not been included in the agenda.]

Trowbridge Town Council's track record on borrowing and running projects is unfavourable. I have always supported absolute transparency with my work and I expect the council to do the same. The Leader of Trowbridge Town Council recently said in an email to councillors that the usage was 'commercially sensitive and will continue to be until the pitch is built (in my opinion)'. This cannot be allowed to happen and residents must be informed of what hours they will be allocated so that they can use the 3G pitch and facilities at Doric Park. We have recently been provided with a percentage difference of 17% for public bookings and 83% that is contracted to clients. This needs to be expanded upon and released to the public fully.

MOTION: That Trowbridge Town Council releases the planned weekly usage hours of the Doric Park Football pitch to the public, publishing the difference of the hours that the council have allocated to businesses and the hours allocated to the community. If not, Trowbridge Town Council must publish the confidentiality agreements and public interest test, proving the information is non disclosable under FOI.

Town Clerk's Comments: The Council has released such information relating to community vs commercial use as part of reports to the Leisure Services Committee and others, including the report to that committee last week which shows that current bookings are 79% community (including local sports clubs and educational) 4% commercial and 17% available. Further detailed information remains commercially confidential to the clients and the council and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

15. **MOTION 2103042331e – CIVIC DINNER**

To consider the following motion proposed by Cllr Piazza and seconded by Cllr Bazan.

Preamble: Trowbridge Town Council's Civic Dinner costs the taxpayer £3,000 every year. If the coronavirus crisis has taught us anything, it is that savings can be made in areas where money does not necessarily have to be spent, and that money can instead go to essential Trowbridge Town Council services. I suggest we move progressively with the times and fund the Civic Dinner through sponsorship from local Trowbridge businesses.

Motion: That Trowbridge Town Council organises a Sponsored Dinner to replace the Mayor's Civic Dinner. The Sponsored Dinner will be funded by a local business providing food for advertisement.

16. **MOTION 2003041331f - BORROWING**

To consider the following motion proposed by Cllr Piazza and seconded by Cllr Kirk.

Preamble: Trowbridge Town Council is England's most indebted parish council. This is due to Trowbridge Town Council approving several loans:

- The refurbishment of the Civic Centre for £5million over a 50-year period, with an average interest rate of 4.66%, giving a total repayment of £12,957,753.
- Woodmarsh Football Ground, which is £175,000 over a 30-year period. However, the loan does not come out of the Trowbridge taxpayer's pocket because Trowbridge Town Football Club rent the facility and fund the repayment of the loan.
- Trowbridge Museum's refurbishment, is costing £900,000 over 25 years, with an average interest rate of 2.69% meaning repayments totalling £1,241,426
- A Park Storage Unit Project, borrowing £300,000 over a 30-year period with total repayments being £424,261
- Trowbridge Town Council is now looking to approve the borrowing for the Doric Park 3GATP Project that requires an additional £2.2m, amounting to repayments of £3.1m over 30 years.

The 2021/22 repayment is £439,538, including £106,500 for Doric Park. Total Council Tax income in 2021/22 is forecast to be ££1,963,306 so 22% of the precept.

Trowbridge Town Council needs a strategy for tackling this debt and needs a plan to stop borrowing, reducing its outstanding liability and focus on providing services that residents want.

[The preamble has been edited to correct mistakes.]

MOTION: That Trowbridge Town Council implements a debt-management plan, with aims to cease borrowing and removes Trowbridge from the top of the table as the most indebted parish council in Britain. With any future borrowing, Trowbridge Town Council must complete a two-way consultation, including public-open days and feedback sessions.

Town Clerk's Comments: The Town Council has a Debt Management Plan and has had a DMP for many years, it is encapsulated in the Council Strategy, the Business Plans for each project and the Budget for each year, including 2021/22, approved by the Council in January. The DMP clearly demonstrates that all of the investments by the Council have been included in the Strategy of the Council and none of them has required an increase in the Council Tax Charge to residents above the rate of inflation. The result is that the Town Council's Council Tax Charge is lower than most and well below the average for other towns in Wiltshire. The Strategy has always factored that such investments were a medium-term plan to invest in Trowbridge and to make Trowbridge better. In the case of the Civic Centre has resulted in significant commercial investment in the cinema, restaurants and hotel at St Stephen's Place. In the case of the Museum has resulted in an investment by the Heritage Lottery Fund of over £1million and for Doric Park has led to a £488,000 grant from the Football Foundation, as well as by the Lawn Tennis Association, Sport England and others in Multi-Use Games Areas. The Strategy has always factored that following completion further borrowing was unlikely to be required in future. By borrowing all residents, including future residents pay for and benefit from the investments for many years. The Strategy has therefore always aimed to cease borrowing. Trowbridge Town Council has no control over whether or not it remains at the top of the table as this is dependent upon other councils.

17. SEALING OF DOCUMENTS

To approve the sealing of

18. MEETING DATES

To consider meeting dates 2021/22.

19. DATE OF NEXT MEETING

Tuesday 18th May 2021 (Annual Council Meeting).

20. MEDIA RELEASES

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

- Recorded Votes.

APPENDICES:

A. CODE OF CONDUCT

Code of Conduct

Trowbridge Town Council
Working with the Community

Code of Conduct

This Code of Conduct is composed of a number of sections which together are the Code of Conduct of Trowbridge Town Council, all sections and sub-sections apply to the conduct of councillors in accordance with the Localism Act 2011 and will be taken into account when any complaints regarding councillors are considered by the Monitoring Officer.

Contents

Code of Conduct - Part 1:

The Principles

Code of Conduct - Part 2:

Registering & Declaring Pecuniary & Non-Pecuniary Interests

- A. Statutory Interests**
- B. Additional Interests**

Code of Conduct - Part 3:

Member/Officer Protocol

Code of Conduct

Trowbridge Town Council

Working with the Community

Code of Conduct – Part I:

The Principles

You are a Member or co-opted Member of Trowbridge Town Council and hence you shall have regard to the following **Seven Principles of Public Life**.

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try, inappropriately, to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to question their own behaviour and challenge poor behaviour wherever it occurs.

The Principles are interpreted in further detail at Trowbridge Town Council as follows:

Trowbridge Town Council

Working with the Community

Code of Conduct

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the following requirements of leadership and example. Accordingly, when acting in your capacity as a Member or co-opted Member:

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, impartially, fairly and on merit, using the best evidence and without discrimination and bias.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of Trowbridge Town Council, and should be prepared to give reasons for those decisions and actions.

You must be honest and truthful, ensuring that at all times you do not misrepresent the democratic decisions and actions of the council and you do not say or otherwise publish information that could denigrate councillors, officers, the council, or otherwise bring the council into disrepute. You may not edit or assist or support others to edit, any film, recording or photographs of the proceedings of the Council and its committees in a way that could lead to misinterpretation of the proceedings. This includes editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being photographed, recorded or filmed or supporting and assisting any others to do so. If a councillor publishes anything on social media which is inaccurate and untruthful or otherwise seeks to portray the actions of the council in a way which fails to provide correct and accurate information, it is not acceptable under this Code of Conduct for them or anyone else to base any defence upon such material being the 'cut and thrust of political debate' or similar.

You should demonstrate leadership including actively promoting and robustly supporting the Seven Principles of Public Life and be willing to examine and questions your own behaviour and challenge poor behaviour wherever it occurs.

You must, when using or authorising the use by others of the resources of Trowbridge Town Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must be professional in all your dealings and treat all those with whom you come into contact, with consideration and respect. Working relationships, including with officers and other councillors should be proper and appropriate. Harassing, bullying or other inappropriate or discriminating behaviour, wherever it takes place, is not consistent with the Code and will not be tolerated.

You shall never undertake any action which would cause significant damage to the reputation and integrity of Trowbridge Town Council as a whole, or of its Members generally.

Code of Conduct

Trowbridge Town Council

Working with the Community

Code of Conduct - Part 2:

Registering & Declaring Pecuniary & Non-Pecuniary Interests

A. Statutory Interests

When acting in your capacity as a Member or co-opted Member:

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties, and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.

You must, within 28 days of taking office as a member or co-opted member, notify Wiltshire Council's Monitoring Officer* of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify Wiltshire Council's Monitoring Officer* of any disclosable pecuniary or non-pecuniary interests which Trowbridge Town Council has decided should be included in the register.

If an interest has not been entered onto the register you must disclose the interest to any meeting of Trowbridge Town Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a sensitive interest.

Following any disclosure of an interest which is not on the register or the subject of pending notification, you must notify Wiltshire Council's Monitoring Officer* of the interest within 28 days beginning with the date of disclosure.

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.

If you have any doubts about whether you are required to declare an interest, you are advised to declare it to avoid further questions arising about the possibility of an interest.

**This information will be published on the Wiltshire Council web-site and can be undertaken by the Town Clerk on your behalf if you pass the information to the Town Clerk.*

<https://cms.wiltshire.gov.uk/mgGeneric.aspx?MD=CouncillorsDeclarationofInterest&bcr=1>

Trowbridge Town Council

Working with the Community

Code of Conduct

B. Additional Interests

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. (see Standing Order 7.4)

Additional 'Part B' non-pecuniary interests which are required to be disclosed to a meeting but do not exclude Members from participating, unless the member feels that it would be appropriate for them to voluntarily leave the room during the item under consideration.

- a) any body of which the councillor is a member or in a position of general control or management and to which the councillor is appointed or nominated by the Council;
- b) any body exercising functions of a public nature of which the councillor is a member or in a position of general control or management;
- c) any body directed to charitable purposes of which the councillor is a member or in a position of general control or management;
- d) any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the councillor is a member or in a position of general control or management.

Trowbridge Town Council

Working with the Community

Code of Conduct

Code of Conduct - Part 3:

Member/Officer Protocol

1 INTRODUCTION AND PRINCIPLES

- 1.1 This Protocol is to guide Members and Officers of the Council in their relations with one another so as to ensure the smooth running of the Council and to satisfy the ethical standards required.
- 1.2 Given the variety and complexity of such relations this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed, it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.4 It seeks to build upon the principles underlying the Code of Conduct. The shared object of the Code is to enhance and maintain the integrity (real and perceived) of local government and the Code, therefore demands very high standards of personal conduct.
- 1.5 This Protocol is part of the Code of Conduct and the Employee Interests and Integrity Procedure. A breach of the provisions of this Protocol may also constitute a breach of the Code of Conduct and may constitute a breach of the Employee Interests and Integrity Procedure.
- 1.6 This Protocol should be read in conjunction with any guidance issued by the Monitoring Officer of Wiltshire Council.

2 THE RELATIONSHIP: GENERAL POINTS

- 2.1 Whilst both Councillors and Officers are servants of the public and they are indispensable to one another, the responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Councillors are responsible for setting policy. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council and its various bodies.
- 2.2 At the heart of this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 2.3 Members must respect the impartiality and integrity of all the Council's Officers. Similarly, all Officers must respect the role of Members as elected representatives.
- 2.4 Inappropriate relationships can be inferred from language. To protect Members and Officers, Officers should address Members at formal meetings as Councillor xxx and Mr or Madam Mayor save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when addressing Officers at formal meetings of the Council, Members should address Officers by their post title.
- 2.5 A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with this Protocol. An Officer has limited means of responding to criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, they should raise the matter with the Town Clerk or the Mayor. Any action taken against an Officer in respect of a complaint, will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.
- 2.6 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of a Department in a manner that is incompatible with the overall objectives of this Protocol.
- 2.7 Where an officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with the Town Clerk. In these circumstances the Town Clerk will take appropriate action by approaching the Member and/or Group Leader or by referring the matter to the Monitoring Officer as a complaint.

Trowbridge Town Council

Working with the Community

Code of Conduct

3 ROLES OF MEMBERS AND OFFICERS

3.1 Members have four main roles :

- Determining the policy of the Council and giving it political leadership
- Monitoring and reviewing the performance of the Council in implementing that policy and delivering services
- Representing the Council externally
- Acting as advocates on behalf of their constituents and the wider community

3.2 Officers have the following main roles:

- Initiating policy recommendations
- Implementing agreed policy, managing and providing the services and being accountable for the efficiency and effectiveness of the services provided
- Providing professional advice to the Council, its various bodies and individual members
- Ensuring the Council always acts in a lawful manner
- Ensuring the Town Council's finances are robust and managed correctly.

4. THE RELATIONSHIP : OFFICER SUPPORT TO MEMBERS : GENERAL POINTS

4.1 Officers are responsible for day-to-day managerial and operational decisions within the Council and will provide support to all Councillors in their various roles.

4.2 In giving such advice to Members and in preparing and presenting reports, it is the responsibility of the Officer to express their professional views and make recommendations. Members should not seek to pressure the Officer to make a recommendation contrary to the Officer's professional view because of their wish to express a contrary view.

4.3 The Town Clerk has certain statutory roles which need to be understood and respected by all Members. Members must respect these statutory obligations, must not obstruct the Town Clerk and other Officers in the discharge of their responsibilities and must not victimise them for discharging their responsibilities.

4.4 The following key principles reflect the way in which Officers generally relate to Members:

- All Officers are employed by, and accountable to, the authority as a whole
- Support from Officers is needed for all of the authority's functions
- Day to day managerial and operational decisions should remain the responsibility of the Town Clerk and other Officers and
- All Officers will be provided with training and development to help them support the various Member roles effectively.

4.5 Finally, it must be remembered that Officers within the Town Council are accountable to their line manager and ultimately the Town Clerk and that whilst Officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their line manager or the Town Clerk.

5 RELATIONSHIPS BETWEEN MEMBERS AT COMMITTEES AND OFFICERS AT MEETINGS OF THE COUNCIL

5.1 Reports should always contain a recommendation unless the issue is clearly one where political judgement is required. They will also always include the name of the Officer. Members should raise issues with that Officer prior to the meeting if at all possible.

5.2 Chairs and Members shall give Officers the opportunity to present any report and give any advice the Officer considers it is advisable to give.

5.3 All Members shall seek the advice of the Town Clerk where they consider there is doubt about the power for a decision or where they consider a decision might be contrary to pre-determined policies of the Council.

5.4 Members and Officers should be mutually supportive in order to minimise any potential embarrassment to the Council. Criticism of Officers should be dealt with in private and, Officers must not be publicly critical of the Council or its policies.

Trowbridge Town Council

Working with the Community

Code of Conduct

6. THE RELATIONSHIP: OFFICER SUPPORT: MEMBER AND PARTY GROUPS

- 6.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities they serve the Council as a whole.
- 6.2 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport etc.) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity.

7. OFFICER RELATIONSHIPS WITH PARTY GROUPS

- 7.1 The council recognises political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body. Meetings between the Town Clerk and Chairs and/or group leaders will be held when appropriate albeit that they have no executive powers.
- 7.2 In dealings with members, in particular when giving advice to political party groups, Officers must demonstrate political impartiality and must not suppress professional advice due to political views.
- 7.3 Any particular cases of difficulty or uncertainty in this area of Officer advice to political party groups should be raised with the Town Clerk who will then discuss them with the relevant group leader(s).

8. MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 8.1 Members may ask for information pursuant to their legal rights. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the relevant Officer.
- 8.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 8.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. The right applies irrespective of whether the Member is a member of the meeting concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers.
- 8.4 The common law rights of Members remain intact, are much broader and are based on the principle that any Member has a prima facie right to inspect Council documents so far as their access to the document is reasonably necessary to enable the Member properly to perform their duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.
- 8.5 The exercise of this common law right depends therefore, upon an individual Member being able to demonstrate that they have the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question will initially be determined by the Town Clerk.
- 8.6 In some circumstances (e.g. a Member wishing to inspect documents relating to the business of a meeting of the Council or its bodies) a Member's 'need to know' will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms.
- 8.7 Whilst the term 'Council document' is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a 'need to know' and therefore, a right to inspect, a document which forms part of the internal workings of another party group.
- 8.8 Further and more detailed advice regarding Members rights to inspect Council documents may be obtained from the Town Clerk.
- 8.9 Any Council information provided to a Member must only be used by Members for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/ briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

Trowbridge Town Council

Working with the Community

Code of Conduct

9. CORRESPONDENCE

- 9.1 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'blind copies' should not be employed.
- 9.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

10. PUBLICITY AND PRESS RELEASES

- 10.1 Local councils are accountable to their electorate. Accountability requires local understanding by the Council explaining its objectives and policies to the electors and taxpayers. Local councils increasingly use publicity to inform the community and to encourage public participation. Every Council needs to tell the public about the services it provides. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed.
- 10.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local council decisions on publicity are properly made in accordance with clear principles of good practice. The government has issued a Code of Recommended Practice on Local Authority Publicity. The Code develops the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. It requires that all local councils shall have regard to the provisions of any such Code in coming to any decision on publicity.
- 10.3 Officers and Members of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, Officers and/or Members should initially seek advice from the Town Clerk. Particular care should be paid to any such publicity used by the Council around the time of an election. Particular advice will be given on this by the Town Clerk.

11. MEMBERS IN THEIR WARD ROLE AND OFFICERS

- 11.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected will as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members will be notified at the outset of the exercise.
- 11.2 Should Members or local residents convene a local meeting, Officer attendance will be at the direction of the Council or at the discretion of the Town Clerk and will take account of the purpose of the meeting.
- 11.3 In all circumstances, the role of Officers at such meetings is to provide information on the topic under consideration and any decision making process which might be relevant, but not to offer or share judgements. Officers will seek to assist in the effective engagement of the community but will be mindful at all times of the integrity of the formal decision making process.
- 11.4 Members attending local consultation meetings, which may on occasion give rise to heated debate, should be mindful of the restrictions on the responses available to Officers and both Officers and Members should act at all times in accordance with this Code of Conduct.

12. CONCLUSION

- 12.1 Mutual understanding and openness on these sort of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.
- 12.2 Questions of interpretation of this Protocol will be determined by the Town Clerk.
- 12.3 Copies of the Protocol will be issued to all Members, upon election, and all line managers.

Code of Conduct

Trowbridge Town Council

Working with the Community

Signed Cllr. , Mayor.

Signed Lance Allan, Town Clerk.

Presented to the Policy & Resources Committee on 2nd March 2021.

For recommendation to the Council on 16th March 2021.

To be adopted and to come into effect on 7th May 2021.

Signed Cllr. , Mayor.

Signed Lance Allan, Town Clerk.

Re-adopted by the Council on 18th May 2021.

RECORDED VOTES

Y – For

N – Against

A - Abstain

Councillor			
Bates			
Bazan			
Beaver			
Blackmore			
Blakemore			
Brice			
Bridges			
Bryant			
Cavill			
Cooper			
Drewett			
Fuller			
Halik			
Hill			
Hoar			
King			
Kirk			
Oldrieve			
Palmen			
Piazza			
Whiffen			