

MINUTES

At the Annual Meeting of Trowbridge Town Council held in the Lansdown Hall at Trowbridge Civic Centre on Tuesday 20th July 2021 at 19.00hrs.

IN ATTENDANCE:

Councillors: Allsworth, Bates (Chair), Blackmore, Blakemore, Bridges, Bryant, Cave, Cavill, Cooper, Hoar, Jacob, Edward Kirk, Emily Kirk, Palmen, Piazza, Trigg and Vigar.

Officers: Mr L. Allan (Town Clerk/RFO), Mrs J Weimar, Mrs A Quick (Minutes), Mr P Weimar.

Public: (in person) Mr Mitchell, Mr Oldrieve and Fairtrade Representatives (x3),
(on TEAMS) Cllr Hill, Mr Brice, Mr Wall & Mr Jubbie,

Police: Sergeant Charlotte Chilton (2446)

Press: M McLaughlin (Wiltshire Times)

The meeting was introduced by Mayor Denise Bates. Cllr Blakemore paid tribute to former Councillor, Anne Ball, who recently died. All members of Full Council stood for 1 minutes silence to pay their respects.

3492 APOLOGIES

a) **Apologies were received** from Councillor Lincoln, Councillor Beaver & Councillor Hill (Self Isolating, attended on TEAMS).

b) **RESOLVED** to accepted apologies with reasons for absence.

3493 MINUTES OF PREVIOUS MEETING

Cllr Kirk said that his comments regarding membership of the TD committee was incorrectly recorded and asked for this to be rectified. Town Clerk accepted the amendment.

a. **RESOLVED** to approve as a correct record the Minutes of the Council meeting held on 18th May 2021.

b. **RESOLVED** to approve as a correct record the Minutes of the Council meeting held on 22nd June 2021.

c. There were no matters to be considered.

3494 MINUTES OF COMMITTEES

The Council received and considered;

a) **RESOLVED** to note the minutes of the Leisure & Information Services Committee 29th June 2021.

Cllr Kirk expressed concern that he believed that TTFC has delayed payment of its rent. Cllr Kirk believes he was going to get the payment plan which was agreed. He would like to receive further detail. **Town Clerk will ensure that Cllr Kirk will receive a response to this question in the next 7 days.**

Cllr Kirk & Cllr Cave abstained.

b) **RESOLVED** to note the minutes of the Town Development Committee 25th May and 15th June 2021. Cllr Bryant presented the minutes.

c) **RESOLVED** to note the minutes of the Policy & Resources Committee 1st June 2021. Cllr Palmen presented the minutes.

d) **RESOLVED** to note the minutes of the Museum Committee 22nd June 2021. Cllr Bridges presented the minutes.

e) **RESOLVED** to note the minutes of the Neighbourhood Services Committee 22nd June 2021. Cllr Cooper presented the minutes.

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3495 **DECLARATIONS OF INTEREST**

- a) A Declaration of Interest was expressed by the Mayor as President of Fairtrade, relating to 'Motion 2107071416 – Fairtrade'.
- b) There were no Dispensation Requests received by the Town Clerk and not previously considered.

3496 **COMMUNICATIONS BY THE MAYOR**

The council received communications from Mayor Denise Bates;

- a) Mayor's Engagements were presented, previously circulated with the Agenda. The Mayor is enjoying the role and has been humbled by her recent visits. Among many, there have been visits to the church and Gloucester Road Allotments. Thanks were given for this role and it was acknowledged that Trowbridge is a wonderful town.

3497 **PUBLIC OPEN FORUM**

Questions from the public were received as follows:

Mr Mitchell

Minutes of Full Council (3477); Believed he had not received a response.

Minutes of LS&I stated members of the public as 3, believed to be incorrect and seating was asked to be moved to allow visibility of the speaker. Mayor stated that this was accommodated. Mr Mitchell stated he does not represent The Royal British Legion, incorrectly written in the Wiltshire Times. Mayor highlighted this was not stated by TTC. Further issues were highlighted;

1. Very rarely receives an answer to questions in meetings. He requests a written answer in future.
2. Is it right that Cllr threatens a member of the public with legal action for asking a question on point of order?
3. The main discussion tonight is on Doric Park. Why was this information not released earlier for the public to discuss and debate?
4. Who provided and approved the business plan for Doric Park, was it an independent advisor?

The Mayor advised written replies would be sent to Mr Mitchell.

Mr Jubbie

Item 10 – Doric Park; It was agreed to carry out further consultation which was pleasing to be involved. It is disappointing to see that the report was written by Chairman & Treasurer of TTFC. They are in debt to TTC and rely on this money to pay debt for Woodmarsh. Could yet another independent person be recruited to advise?

We were told there would never be any cost to the tax payer so he is concerned on 15th June he read in Wilts Times that in worst case scenario that public may need to pick up the cost of this. If we can't afford capital costs might we need to reduce services or raise the precept. This raises questions what might happen over 5 years. He asked to see the paper trail but was advised this is confidential. Release the public interest test and prove why this is confidential. Please answer my questions in writing.

The questions received in writing were answered and circulated to those in attendance at the meeting and are appended below (Appendix A).

3498 **POLICE MATTERS**

A Police Report was received from Sergeant 2446 Charly Chilton, previously circulated. The following questions were asked;

QUESTION: People meeting in cars in car parks get moved on from locations. What is the police view if the council back them? It was suggested that Wilts Council could be asked to give up their car park to allow reasonable meet ups.

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ANSWER: If the council can advise a safe place for them to meet without driving it might be possible. Police have been contacted by private land owners so we have intervened. There is an ongoing initiative to educate drivers. A recent accident occurred with a driver who had met at one of these meet ups.

QUESTION: Last Sunday in Trowbridge what was the behaviour due to the football?

ANSWER: This will be answered after the meeting but it is assumed it was busy.

QUESTION: Would community speed watch not happen unless a metro count triggered a need for this?

ANSWER: This will be responded by the appropriate Police Officer after this meeting.

QUESTION: It is pleasing that action has been taken by the police in Trowbridge regarding E-scooters but there is still evidence of them being used in the town, will further action be taken? Cyclists have no regard for safety as they are seen driving regularly without lights. Can these issues be addressed asap before a fatal accident occurs.

ANSWER: In some places E-scooters are legal. We are educating both young people and their parents. We will be going into schools to get the message out at the correct level. Regarding lights on bikes, we have just been given new bike marking equipment. We will work in conjunction with British Transport Police.

QUESTION: Regarding vandalism in park (bins being ripped out etc.) CCTV didn't pick it up but why was this not investigated as it must have been seen and heard.

ANSWER: This must be taken up by the appropriate Police Officer. If this case was taken to court evidence would be needed to prove person X was responsible for destroying the bins. If this had witnesses, then it might be possible.

QUESTION: Residents of Knightstone Court have been disturbed by drivers in multi-storey but by the time the police arrive they have left the scene. It is happening at midnight so not possible to be monitored by PCSOs as they finish at 10pm. How can this be addressed?

ANSWER: The problem is the small number of resources. If we have 10 reports in 1 area and only 1 potentially in the multi storey car park the higher case area will receive the response. Residents are advised to report every time it happens to build up a picture of the problem.

Sergeant Chilton left the meeting at 19.46.

3499 MOTION 2107071416 - FAIRTRADE

The Council considered the motion, proposed by Cllr Cooper; seconded by Cllr Piazza.

Mr Oldrieve stated that people should understand what Fairtrade is and there should be a choice in Trowbridge. A presentation was given demonstrating a Banana Farmer in the West Indies. They are an example of a family which need support to build sustainable lives. Supporting Fairtrade has been a long term tradition and it will be valuable to support this motion.

And it was:

RESOLVED: That Trowbridge Town Council reasserts its continuing support for the aims and efforts of the Trowbridge Fairtrade Group and the wider Fairtrade Foundation.

Members of Fairtrade left the meeting at 19.51.

3500 QUESTIONS FROM COUNCILLORS

No questions were received.

3501 HM LAND REGISTRY – PARCEL OF LAND AT GROVE RECREATION GROUND

The Council considered the report and RECOMMENDATION:

Report: A small triangle of land (indicated in yellow on the plan below) at Grove Recreation Ground, behind the children's play area, was incorporated into the garden of a neighbouring property many years ago and the Town Council has never disputed the fence line. The area of land is approximately

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a three metre triangle which would be difficult to maintain and would be likely become an area of brambles which would otherwise need to be maintained at the council's expense. The owners of the neighbouring property, in which garden it is now incorporated, have applied to the Land Registry for adverse possession to formalise the arrangement.

A discussion was held. It was asked if a letter could be written to request if they would support the Mayor's charity. It is understood that this is a difficult area of land for the Council to manage but it must not be assumed that it is acceptable for residents to take on council's land in the future. Town Clerk stated we do have an accurate record of land registered to TTC but WC do not necessarily know which land they own. It was asked who owns the sensory garden? Town Clerk responded that it is owned by WC and let to the sensory garden charity, with a document provided as evidence.

RESOLVED: That the council raises no objection or challenge to the application for adverse possession of a small triangle of land adjacent to Grove Recreation Ground.

Cllr Kirk & Cllr Bryant abstained.

3502 DORIC PARK 3GATP

The Council considered the Town Clerk's report and recommendation.

A discussion was held.

Town Clerk responded that it is due to increases in building inflation post-Brexit and pandemic which is an estimate from our consultants. It is 18 months since we submitted the planning application and the council has requested that solar panels are included on the building which also increases cost. Staff costs will be split as 1 F/T employee + 12 hrs p/t + some casual work. Pension, training & travel are year 2 figures from the business plan.

Any person providing an assessment who has knowledge of rugby/football etc. will have a degree of bias. It is important that any person has necessary qualifications & experience. The assessment was conducted as an employee of Lloyds Bank.

Town Clerk clarified that this is a multi-stage process; you have to apply for approval to apply for the loan. Once we received approval from the Ministry we then apply to take the loan. This would be decided at a Full Council Meeting. Cllr Jacob stated people need to feel confident that we apply for the loan on the right basis. We employ officers with sense who will make the right decision.

Cllr Kirk asked; *"Please can the Town Council advise whether the Woodmarsh site is part of the Town Council's long-term strategy for grass pitches?"*

Town Clerk confirmed the council policy is to retain Woodmarsh as a football ground but the bat mitigation strategy prevents floodlights being installed. Other sites will not be allowed to implement floodlights either, therefore none will be available for Trowbridge community.

A recorded vote was taken, see Appendix.

And it was RESOLVED;

That further to the resolution of the Council on 21st July 2020;

- a). The consultation has been completed.
- b). Trowbridge Rugby Football Club has approved the deal and we are in the process of concluding a legal agreement with them to cover access, lease of a strip of additional land and a number of other operational arrangements;
- c). Planning permission has been granted
- d). Tenders are due to be received shortly
- e). Therefore, subject to receipt of suitable tenders the Council approves that an application for borrowing approval be submitted for up to £2.4million at an annual cost (current fixed interest rates over 30 years of 2.17%) resulting in repayments of £109,264 per annum.

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3503 PARLIAMENTARY CONSTITUENCY REVIEW

The Council considered the proposal that Trowbridge would be included in a Trowbridge and Warminster Constituency.

A discussion was held. Town Clerk understands that the parliamentary boundary review suggests they should be named after the 2 largest places in that constituency therefore South West Wiltshire wouldn't be appropriate. Cllr Vigar suggested it should be stated as Trowbridge Constituency as it is the largest town with an electorate.

RESOLVED: That the proposed constituency should be named 'Trowbridge'.

3504 TOILETS WORKING GROUP

The Council considered the reappointment of three councillors to the Toilet Working Group to report to the Policy & Resources Committee:

RESOLVED: Cllrs Bryant, Hill and Piazza.

3505 MOTION 2107082259 WORLD CUP QATAR 2022

The Council considered the following motion proposed by Cllr Piazza;

MOTION: That Trowbridge Town Council schedules preparations for showcasing the Qatar 2022 World Cup, exercising full use of facilities such as the Civic Centre to display the event.

A brief discussion was held and it was;

RESOLVED TO REFER THE MOTION TO CIVIC BOARD ON 17th AUGUST 2021.

Cllrs were advised to forward any amendments to officers.

3506 CATERING VAN

The Council considered the matter which had been referred from committee;

A discussion was held. It was stated that we own little land in centre of town and the park has been improved in recent years. We shouldn't be losing sight of recreation and a vibrant space and should be keeping the park free of fumes, smells, litter. It was asked if all Cllrs could consider the location not being close to the war memorial. It was suggested that approval of the catering van could make the park more of a destination and the idea of a festival-type theme could be incorporated. If this is run as a trial it needs to be determined what result is a success beforehand. Location is key and how the retailer is chosen needs to allow for fair competition. A trial period will be difficult to end as it would be someone's livelihood. The measure of success needs to be based upon litter and whether people like it.

A recorded vote was taken, see Appendix.

RESOLVED: To object to the current proposal for a Mobile Catering Unit in the Town Park and to develop a protocol regarding mobile catering units in the Town Park.

Mr Mitchell left the meeting at 21.04

3507 SEALING OF DOCUMENTS

NONE.

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3508 DATE OF NEXT MEETING
Tuesday 21st September 2021.

3509 MEDIA RELEASES

The Council **RESOLVED** to approve the following press/social media releases:

- Recorded Votes
- Doric Park
- Fairtrade
- New Constituency boundary proposals
- World Cup Qatar
- Thank you to Rev Thomas on his retirement
- Residents views to be requested regarding the formation of a protocol regarding the Catering Van.

Cllr Allsworth left the meeting at 21.08.

3510 EXCLUSION OF PUBLIC AND PRESS

RESOLVED: 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.

3511 COMPLAINT – APPEAL

**The Council considered the a complaint appeal;
Separate PRIVATE & CONFIDENTIAL REPORT.**

A statement was given by the Town Clerk and a lengthy discussion was held and it was;

RESOLVED: That no further action is taken and the council express utmost confidence in the officer concerned.

Meeting Closed at 21.51

Signature

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APPENDIX A

PUBLIC QUESTIONS:

The following questions have been submitted by a member of the public to Councillors Hill, Vigar and Halik (Grove Ward) relating to agenda items at the Full Council Meeting on 20th July:

Question 1:

According to the "Sports Pitches" Appendix document and the information given to the public during consultation. The earlier loan repayments were for:

£3,161,961.20 (30 x £104,398.74)

The new proposal put forward tonight is for repayments of:

£3,277,197 (30 x 109,263.90)

Is the difference between £109,263 and £104,398 actually a difference of £4865, and not a difference of "around £3000" as stated in the preamble to Agenda Item 10?

Please recheck and correct this if it is an error.

Does this error cause other issues?

Town Clerk's response:

There are currently 12 versions of the detailed financial spreadsheet which is a Private & Confidential part of the Business Plan for Doric Park.

Version

1	January 2019	£1.8million	£102291
2	November 2019	£1.8million	£102291
3/4/5	December 2019	£1.8million	£102291
6	February 2020	£2.0million	£101052
7	May 2020	£2.2million	£104400
8	October 2020	£2.2million	£106346
9	January 2021	£2.2million	£106346
10	March 2021	£2.2million	£106346
11	May 2021	£2.2million	£106346
12	July 2021	£2.4million	£109264

Whilst the difference between 104400 and 109264 is £4864 it is also honest and truthful to state as per the agenda that 'The suggested loan repayments are around £3,000 per annum more than the earlier Business Plan.'

As there has been no error, then it follows that no other issues result.

Question 2:

On 16th March (item 3456) the council kindly released usage figures following a council motion to do so, but council stated there would be no further disclosure of information stating unequivocally that other details are commercially confidential and that public interest in withholding the information outweighed the public interest in disclosing it.

On 17th March I made an FOI request to the council for disclosure of (i) the completed public interest test demonstrating the decision making process (ii) the Doric Park business case (iii) the football foundation business plan (iv) the independent report which audited ii & iii. (v) copies of any confidentiality agreements and confidentiality clauses between the parties.

On 7th May the council refused to disclose any of the information requested for public disclosure, including the public interest test itself again stating unequivocally that further detailed information was commercially confidential etc. I requested a review which unfortunately was never conducted.

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I note from tonight's agenda and the clerks report to council that "Tenders have not yet been received"; that you are still in the process of "concluding a legal agreement" with Trowbridge Rugby Club, and that you "have been in negotiation" (not completed yet?) with Wiltshire College about their requirements and business arrangements.

Imagine my surprise then, that on 14th July the council just publicly released further "detailed information" which is supposed to be "commercially confidential" on Page 15 of the "sports pitches" report (year 1 income and expenditure) and in the preamble of agenda item 10 (years 2-5 average income and expenditure).

I appreciate this disclosure of detailed information for year one estimate, and the year 2-5 averaged provided from the business plan and the financial plan. But this informal disclosure following a formal refusal to disclose the same, clearly raises questions about the judgement or honesty of officers.

A. why was this information deemed commercially confidential in May but is no longer deemed commercially confidential in July?

B. What has changed in the space of those short 8 weeks in terms of the commercial confidentiality?

C. Do the confidentiality agreements no longer apply?

D. Does the public interest test no longer apply?

E. Were the public interest tests completed on 16th March & 7th May incorrect for some reason?

Town Clerk's response:

The clear advice from the Information Commissioners Office (ICO) is that Public Interest Tests themselves should not be published or released.

A. The information requested, which was a copy of the whole financial spreadsheet of the Business Plan, was, is and remains commercially confidential. The extract from that plan, which covers year 2 (not year 1) was incorporated into the written section of the Business Plan on 8th March 2021 and was published to accompany the additional survey which was conducted between 17th and 26th March and it is included in the latest version of that document, with the figures edited to account for the increase.

B. Nothing has changed, the full financial spreadsheet part of the business plan remains commercially confidential.

C. The confidentiality agreements still apply.

D. The Public Interest Test is undertaken following a request for information which the council considers to be confidential.

E. The Public Interest Tests were not incorrect.

Question 3

The council have now demonstrated by the detailed information disclosed of the year one expenditure and income that this class of information is not clearly not commercially confidential, so why are we only provided with an average figure for years 2-5 and not the same amount of detail as for year 1?

There is no reasonable excuse why the same amount of detailed information for expenditure and income in years 2-5 expenditure, could not also be provided to the public in the same format as on page 15 of the year one projections.

A. Why hasn't this detailed information for years 2-5 been released?

B. Will you release it now?

C. If the Year one projection is no longer commercially confidential then does it not clearly follow that the year 2-5 projections (in the same detail) are also no longer commercially confidential too?

D. If not, please can you explain the rationale behind such a seemingly irrational idea?

Town Clerk's response:

Please see the response to Question 2.

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Question 4

This part of the question includes information which relates to other confidential matters and is therefore not reported.

B. Do the council not think a new "review" should be completed by someone who is truly independent of the matter, such as the business manager of the John of Gaunt School for example who just happen to already own and run an artificial football pitch.

Town Clerk's response:

Any person who has knowledge of football, rugby, other sport, operation of similar facilities etc. will have a degree of bias. Such knowledge may also be considered a prerequisite for providing such assessment. What is important is that any person who makes an assessment has the necessary qualifications and experience to make such an assessment. In this case independent is correctly used to describe the person doing the assessment as not being a member or officer of Trowbridge Town Council or a contractor or supplier who is likely to gain from the proposals.

Question 5.

Please will the council postpone voting to seek approval for borrowing until after all these issues of due process and due diligence are resolved?

Town Clerk's response:

All of these issues have been resolved.

As these matters are, in the words of the questioner; 'issues of due process' and not therefore directly material to the financing of the project it would not be considered necessary to delay further the progressing of the project and to put at risk the potential for improving Trowbridge.

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APPENDIX B RECORDED VOTES

Councillor	10. DORIC PARK (RECOMMENDATION)	14. CATERING VAN (OBJECTION etc.)	
Allsworth			
Bates			
Blackmore			
Blakemore			
Bridges			
Bryant			
Cave			
Cavill			
Cooper			
Hoar			
Jacob			
Edward Kirk			
Emily Kirk			
Palmen			
Piazza			
Trigg			
Vigar			

	For	Against	Abstain
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Initials.....dated.....