



The Civic Centre  
St Stephen's Place  
TROWBRIDGE  
Wiltshire.  
BA14 8AH  
[info@trowbridge.gov.uk](mailto:info@trowbridge.gov.uk)

9<sup>th</sup> November 2022

## SUMMONS

To all members of the Council: Councillors: Allsworth, Bates, Beaver, Blackmore, Blakemore, Bridges, Bryant, Cave, Cavill, Cooper, Halik, Hill, Hoar, Jacob, Edward Kirk, Emily Kirk, Lincoln, Palmen, Piazza, Trigg and Vigar.

Dear Councillor,

You are hereby summoned to **The Meeting of Trowbridge Town Council** to be held on **Tuesday 15<sup>th</sup> November 2022**, at 19:00 in **The Council Chamber, The Civic, Trowbridge**.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Lance Allan'.

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. **Please contact [info@trowbridge.gov.uk](mailto:info@trowbridge.gov.uk) by 16:00 on 14<sup>th</sup> November if you wish to attend this meeting in person. Where it is not possible for you to attend due to reaching the capacity limit, view and listen access will be available online via Microsoft TEAMS: please go to the Town Council Website – Your Council – [Meetings](#) to find the link.** Only those attending in person will be able to ask questions and make statements at the meeting during the public period. Questions and statements can otherwise be submitted in advance.

## 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 27<sup>th</sup> September 2022 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. **Town Development 4<sup>th</sup> & 25<sup>th</sup> October**  
Questions to the Chair – Cllr. A Bryant

- b. **Museum Committee 11<sup>th</sup> October**  
Questions to the Chair - Cllr. G Bridges.
- c. **Neighbourhoods Committee 11<sup>th</sup> October**  
Questions to the chair – Cllr. D Cavill.
- d. **Leisure & Information Committee 18<sup>th</sup> October**  
Questions to the Chair – Cllr. D Bates.
- e. **Policy & Resources 1<sup>st</sup> November**  
Questions to the leader – Cllr. S 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.

#### 6. **PUBLIC OPEN FORUM**

- a. **To allow questions** from the public which may be answered but not debated.
- b. **To receive** presentations from organisations that have been awarded grants and to present them with a cheque.

#### 7. **REPRESENTATIVES ON OTHER BODIES**

- a. **To receive** updates from members.
- b. **To confirm** that Cllr Cooper has replaced Cllr Beaver as representative on the Trowbridge French Twinning Assoc.

#### 8. **POLICE MATTERS**

**To receive a report** from Sergeant Charlotte Chilton.

If councillors have any specific questions it would be appreciated if they could be submitted to the Council Secretary by the Friday prior to the meeting so that they can be forwarded to Sgt Chilton for responses to be given at the meeting.

#### 9. **QUESTIONS FROM COUNCILLORS**

**To consider questions received from councillors by the deadline: Thursday 3<sup>rd</sup> November 2022**

##### **A. 221103 2017 LEISURE SERVICES**

Cllr Edward Kirk.

Please can the Town Clerk provide an actual answer to the Question I raised at the Leisure Services Meeting in relation the Pike Estate giving permission for the Doric Park development. My question at the Leisure Services Meeting on Tuesday 18<sup>th</sup> October (as included in the minutes) was: *What will happen if the Pike estate DO NOT AGREE to the development taking place?* The Town Clerks response within the minutes was: *'Discussed Pike Estate approval with Chris Lamb and he is chasing a response.'* This is not an answer to the Question. Please can the Town Clerk now answer the Question? If the answer is the Doric Park project cannot proceed, please may I ask how much money (including CIL & S106) has been spent on this project to date?

**Town Clerk's response:** I have no more information, as Chris Lamb, the President of the Rugby Club has not come back with a response. It is for the council to consider what may or may not happen if the project does not proceed.

## **B. 221103 2315 BORROWING APPROVAL APPLICATION**

Cllr Piazza.

What is the current status of the Doric Park Project Loan? What are the ramifications (project risks) if the loan application is rejected or delayed further? Is there a contingency plan if the loan application is rejected or delayed further?

**Town Clerk's response:** As reported at the Policy & Resources committee and reported in the Wiltshire Times, the Council has corresponded with Baroness Scott of Bybrook, Under Secretary of State at DLUHC, former Leader of Wiltshire Council and former President of the National Association of Local Councils and have not received an acknowledgement or reply. The Council has also corresponded with the officials at DLUHC responsible for assessing applications to confirm if there are any additional requirements and no acknowledgment or reply has been forthcoming.

## **C. 221103 2316 ARMED FORCES COVENANT**

Cllr Piazza.

What is the current status of the Armed Forces Covenant?

**Town Clerk's response:** The Council resolved to sign the covenant many years ago when Cllr Deborah Halik was the Mayor. The Town Clerk has made several attempts through Baroness Scott of Bybrook, Cllr Jonathon Seed and various members of the Armed Forces. Unfortunately, this has not resulted in any constructive engagement with the council with regards to the next steps for the council to sign the covenant.

## **10. SUPPORT FOR COST OF LIVING CRISIS**

**To consider** the current cost of living crisis for residents of Trowbridge, arrangements already in place and planned to address these issues and what additional support and signposting that the town council can provide.

## **11. SERVICE DELEGATION**

**To consider** the following update and recommendations:

Wiltshire Council has agreed to the proposed timetable: Transfer of all remaining services covered by the Wiltshire Council Policy: 'Defined minimum of all services to be devolved' except the Down Cemetery, from Saturday 1st April 2023, with those services relating to the Down Cemetery (maintenance and burials & memorials) transferring on Monday 1st April 2024.

Wiltshire Council has committed to commencing the Asset Transfer process alongside the above Service Delegation timetable but this may not be completed at the same time and will include all appropriate assets, not just the cemetery.

Wiltshire Council are not prepared to engage with the ICCM to undertake an independent assessment. Wiltshire Council has commenced discussions in relation to the planning for any potential new cemetery in future years. The Town Council remains concerned with the timetable for the planning of a new cemetery for the town, particularly given the experience with delays around Trowbridge related to the development of sports facilities and restrictions related to the Greenbelt and ecology matters. The Town Council will need a clear and unequivocal commitment from Wiltshire Council across all appropriate departments to the delivery of a new cemetery for the town in partnership with new developers.

**RECOMMENDATION: That the Council:**

- A. Notes the approval of Wiltshire Council to the timetable for Service Delegation 2023 & 2024.**
- B. Notes the commitment of Wiltshire Council to pursue comprehensive asset transfer to commence in line with the Service Delegation process but with the anticipation that Asset transfer would be concluded at a later date.**
- C. Notes the unwillingness of Wiltshire Council to agree to an independent assessment of the capacity but accepts that given that there will be at least a full year of working with the current contractor and Wiltshire Council for the handover of the Down Cemetery between April 2023 and March 2024 this is sufficient for the town council to undertake the necessary assessment.**
- D. Notes the progress made with Wiltshire Council towards planning for the provision of a new cemetery for the town and seeks ongoing reassurance from Wiltshire Council that it will give full support to the town council to achieve this requirement within an appropriate timescale in partnership with developers.**

**12. ENERGY COSTS**

**To consider options for fixing the council's energy tariffs from September 2023.**

At the Policy & Resources Committee, meeting on 1<sup>st</sup> November the council considered the forecast of energy costs for the 2023/2024 financial year. This is based on the current fixed tariffs to September 2023 and quotes received for tariffs beyond September 2023. The Facilities Manager recommends that in order to achieve certainty now, prior to setting the budget council agrees to a fixed tariff from September 2023. The Town Clerk has discussed this with Utility Aid and agrees with this recommendation.

**RECOMMENDATION: That the Council fixes its tariffs for gas and electricity supply for a one year period September 2023 to September 2024.**

**13. MOTIONS FROM COUNCILLORS**

**To consider motions received from councillors by the deadline: Thursday 3<sup>rd</sup> November 2022.**

**A. 221102 1606 COUNCILLOR OFFICER PROTOCOL**

Cllr Cooper

**Preamble:** Mutually collaborative, respectful and civil relationships between elected Councillors and Council Officers are key to effective and efficient operation of this Council. The National Association of Local Councils (NALC) has established the Civility and Respect Project in order to foster and promote these positive working relationships across the sector. Recently this Council committed to signing the Civility and Respect Pledge. This pledge is designed to allow councils to demonstrate that they are committed to standing up to poor behaviour across our sector and to driving through positive changes, which support civil and respectful conduct. The Civility and Respect Project has now formulated a model Councillor-Officer Protocol that seeks to foster strong, constructive, and trusting relationship between councillors and officers. The purpose of this protocol is to guide councillors and officers of the council in their relations with one another. The protocol's intention is to build and maintain good working relationships between councillors and officers as they work together. The protocol covers the following main points:

- The respective roles and responsibilities of the councillors and the officer.
- Relationships between councillors and officers.
- Where/who should a councillor or an officer go to if they have concerns?
- Who is responsible for making decisions?

**MOTION: This Council resolves to adopt the Civility and Respect Project's new model Councillor-Officer Protocol.**

**Town Clerk's response.** The current Code of Conduct incorporates the Member/Officer Protocol and it would be appropriate for the revised Protocol to be incorporated into the Code of Conduct as well as referenced in the Employee Handbook. The Town Clerk has assessed the existing and the new Protocol and has incorporated a few additional elements from the existing Protocol and made other edits to ensure that it is suitable for local circumstances. The **recommended revised Code of Conduct including the new Protocol is attached** and subject to approval of the following recommendation would be presented to the next Council meeting on January 17<sup>th</sup> 2022 for adoption.

**RECOMMENDATION: That the council adopts the Civility & Respect Project's new model Councillor Officer Protocol, with local adjustments and incorporates it into the Code of Conduct to replace the existing Councillor Officer Protocol section in the current Code of Conduct.**

## **B. 221103 1655 MARKETS & EVENTS**

Cllr Piazza

**Preamble:** To quote the Chief Executive of NABMA,

*'The National Association of British Market Authorities (NABMA) represents all market operators. While we have a strong local government connection, we also have members from the private sector, Business Improvement Districts, community groups and local councils. Throughout the last one hundred years we have promoted markets on the national stage and provided a wide range of support services to our members. The value of markets to local communities is highlighted by the government agenda to regenerate the high street. Markets are seen as a top factor and foundation in helping to create vital and vibrant town centres. They were also chosen by the Prime Minister to lead the opening up of the high street as the country slowly came out of the first Covid-19 lockdown. The importance of NABMA membership has been fully demonstrated during the Covid19 pandemic. NABMA has acted as a voice for the industry; lobbied government and provided a 24/7 support and advice service to the membership. Its Support Plan for Markets to help traders and operators get through the national lock down achieved many successes and the NABMA Social Distancing Guide for Markets supported markets management in their difficult operational circumstances in reopening markets following lock downs. We know there are many successful markets around the country but we also know that many are struggling to survive. NABMA is available to share information, good practice and help those that are struggling. We have an experienced in-house team of consultants who can help your market with any policy or operational issues you may face.'*

NABMA membership includes legal advice on all aspects of market law and market rights, market support sessions, exclusive website content (templates, legal procedures, roadmaps), networking and sharing with other market operators, discount in training for market officers. Members are also able to submit request on ad hoc basis directly to advisers at no additional cost. The future of our high street and town centres will largely revolve around successful markets and events initiated by our town, district, and unitary councils. Trowbridge has a proud history as a market town. The Town Council should further draw from its proud past in order to ensure the town's local economy in the future is prosperous, complementing the work put forward in the Future High Streets Fund.

**MOTION:**

- a) That Trowbridge Town Council becomes a member of NABMA;
- b) That Trowbridge Town Council creates a sub-committee, to branch off the Leisure and Information Services Committee, to be called 'Events and Markets Committee'

**Town Clerk's Response:** The Town Council is already a member of NABMA and the Town Clerk met with the Chief Exec of NABMA on 2<sup>nd</sup> November. It may have been helpful if Cllr Piazza had discussed this matter with the Town Clerk prior to submitting a motion. It is for the Committee to consider if it needs a sub-committee to deal with any particular business, not for the Council.

**RECOMMENDATION:** That the council notes that Trowbridge Town Council has been a member of NABMA for a number of years.

**RECOMMENDATION:** That the proposal to establish a sub-committee is passed to the Leisure & Information Service Committee for consideration.

**RECOMMENDATION:** That councillors are reminded that it would be helpful if matters could be discussed with the Town Clerk or other appropriate senior officers prior to the submission of motions.

## **C. 221103 1656 MAX GEORGE FUND**

Cllr Piazza.

**Preamble:** Max George, aged 13-years old, suffered a type 1 diabetic-related heart attack on the 19<sup>th</sup> of August. He was unresponsive until Wiltshire Air Ambulance arrived, who airlifted him to Bristol Children's Hospital and he passed away on the evening of the 22<sup>nd</sup> August. It has been heart-warming to see a local community come together and fundraise the amount necessary to purchase two memorial benches in Max's memory, of which Neighbourhood Services will be ordering and installing. Many of our residents in Trowbridge will experience the heartbreak of losing a loved one throughout their lives. Memorial furniture, such as this example of a commemorative bench, offers the family, friends, and wider community some solace during a terrible time. However, not every family in Trowbridge will be able to afford memorial furniture or have the community links to fundraise the entire amount necessary to purchase, for example, a commemorative bench. For those families, Trowbridge Town Council should be in a position to offer a contribution in assisting them, helping our local communities in finding ways to grieve for loved ones, supporting them in difficult times.

**MOTION:** That Trowbridge Town Council establishes a 'Max George Fund' of £500, to be allocated in the new Neighbourhood Services budget, with the sole objective of assisting families, who approach the Town Council, in purchasing memorial furniture for loved ones who have passed away in our communities.

**Town Clerk's response:**

**RECOMMENDATION:** That the motion is forwarded to the Neighbourhood Services Committee for consideration at the meeting on 20<sup>th</sup> December.

## **D. 221103 1657 ARMED FORCES COVENANT**

Cllr Piazza.

**Preamble:** The Armed Forces Covenant is a promise from the nation that those who serve or have served, and their families, are treated fairly. The covenant's twin underlying principles are that members of the armed forces community should face no disadvantage compared to other citizens in the provision of public and commercial services; and that special consideration is appropriate in some cases, especially for those who have given the most such as the injured or the bereaved. In signing the Armed Forces Covenant, Trowbridge Town Council would be making a promise to those who serve or have served, whether Regular or Reserve, and their families, making the commitment that they should face no disadvantage compared to other citizens, with special consideration being appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

**MOTION:**

- a) That Trowbridge Town Council reaffirms its commitment to signing the Armed Forces Covenant and aims to sign it by the end of the second quarter of 2023;
- b) That Trowbridge Town Council organises the signing of the Armed Forces Covenant at a Full Council Meeting, inviting representatives from the Armed Forces community, Trowbridge veteran groups, and other charities and organisations who may be interested to witness the signing, also advertising in the press and social media.

## **Town Clerk's response:**

See above my response to the Question on this subject.

**RECOMMENDATION:** That a councillor volunteers to make contact with an appropriate person in the Armed Forces or Ministry of Defence who can arrange for the signing to take place, hopefully on Armed Forces Day 2023.

## **E. 221103 2104 EFFICIENCY SAVINGS (CUTS)**

**Cllr Edward Kirk.**

**Preamble:** As a Council we must offer our residents, both value for money and the public services they require. After the election the Council increased the precept by just under 20% and we are now in a cost of living crisis and must not inflict further Tax increases on Trowbridge residents. The Town Council could investigate making savings to both the Museum budget and the Leisure Services Budget (specifically Active Trowbridge Activities). The Museum budget now represents about £23.00 per Band D Household (£271,000). Active Trowbridge was originally supposed to be cost neutral or make a positive contribution to budget, but it now represents about £16.00 per Band D Household (£178,000).

## **MOTION:**

- a. **That the Museum Committee investigate cost savings (cuts), which may include; reducing energy usage, reducing opening times (closing an extra day during the week) and perhaps introducing charging or having a discretionary donation entry charge (with Gift Aid promoted).**
- b. **That the Leisure & Information Services Committee investigate cost savings (cuts) to Active Trowbridge, which may include reducing School Activities, particularly as these are predominantly outside of Trowbridge and are readily available from other providers.**
- c. **That the Town Council accepts in considering any suggestions, that the Museum Service is a key important provision associated with most Town Councils, but that Active Trowbridge is a commercial service, which was originally supposed to be cost neutral, but morphed into a subsidised commercial service in Schools mainly outside of Trowbridge.**

**Town Clerk's response:** Gift Aid can only be applied to charity donations and the Museum is not a charity. It is wholly appropriate for each committee to consider carefully the services that the council continues to support and financial subsidy provided to those services.

## **F. 221103 23:15 DORIC PARK**

**Cllr Piazza.** A recorded vote is requested.

**Preamble:** Correspondence from The Department for Levelling Up, Housing and Communities (DLUHC) reveals the following criteria need to be met when applying for a loan:

- e) *The council should have consulted local residents on the project and associated borrowing. The format of consultation with residents is a matter for the council to decide, however, councils should note the follow:*
  - *Details of the project and plans for borrowing and loan repayment must be accessible to residents from an early stage,*
  - *Decisions on borrowing must be taken in an open and transparent way, following discussion in open meetings,*
  - *Inclusion of the matter on an agenda for a public meeting of the council will not, in itself, be considered sufficient evidence of consultation,*
  - *The council should ensure that information about the progress of the project continues to be available to residents following the approval to borrow,*
  - *In particular, any proposal to increase the precept **to meet borrowing costs must be backed by evidence of public support.***

This criterion sets out strict instructions of what is to be expected from a parish council, ensuring that they are democratically active and engaged when submitting applications to DLUHC in requesting funds to borrow for capital projects. Further correspondence from DLUHC, as set out by a Civil Servant, confirms that transparency and openness with our residents and taxpayers is crucial to the success of the loan application:

Dear XXX,

Thank you for your email and concerns.

When considering whether to apply for borrowing approval, Parish and Town Councils should be fully open and transparent with their residents and taxpayers in all their dealings as set out in point e) as you have copied below. It is worth noting that DLUHC's borrowing criteria is only applicable for Parish/ Town Councils wishing to borrow to finance their capital projects, at present the Doric Park application from Trowbridge Town Council is currently on hold. Should the Council continue to pursue the application in the future we will take into consideration the points you have raised relating to public transparency and financing of the project and application in question.

With thanks for your time,

XXX

I believe that no councillor in this chamber would truthfully agree that our procedures comply with the loan criteria above, meeting the necessary expected standards set out by DLUHC and echoed by the Civil Servant. Trowbridge Town Council has now decided that the Doric Park Working Group membership will be closed to all councillors and members of the public, except those appointed by the Working Group. Therefore, information discussed is not only withheld from the public but withheld from those elected to represent the public, this is in clear breach of point (e)'.  
The new Consultation Meeting Protocol firmly states:

3. Consultation Meetings may meet in person or online and will be attended by:

- a. Officers appropriate to the remit of the Consultation Meeting.
- b. Those councillors who have been appointed to the Consultation Meeting by the Council/Committee.
- c. Other councillors who have been invited by the appointed members to attend specific meetings or for specific agenda items.
- d. Members of the public who have been invited by the appointed members to attend specific meetings or for specific agenda items.

In order to comply with criteria (e), the Doric Park Working Group should follow the Town Council's governance framework, which is our standing orders, rather than leaving it in its current form as a party-political discussion group that excludes residents/taxpayers and councillors who have been elected by those residents/taxpayers.

## **MOTION:**

- a) That Trowbridge Town Council creates a sub-committee of the Leisure & Information Services Committee, to be called 'The Doric Park Sub-Committee';
- b) That Trowbridge Town Council reaffirms its commitment to point (e)'

**Town Clerk's response:** It is for the Committee to consider if it needs a sub-committee to deal with any particular business, not for the Council. The town council has completed a range of consultation with the community and details of the project have been published widely in the press, radio and on social media. DLUHC have been in receipt of all of the relevant aspects of the council's application since May 2022 and have not yet raised any further requirements or queries including ones relating to consultation.

**RECOMMENDATION:** That the proposal to establish a sub-committee is passed to the Leisure & Information Service Committee for consideration.

## **13. SEALING OF DOCUMENTS**

To approve the sealing of documents as follows:

**NONE**



## 14. **COMPLAINTS**

**To consider** a complaint from a member of the public.

A complaint was received on 29<sup>th</sup> September by the Mayor, Cllr Graham Hill. Following consideration of the complaint by the Mayor and the Head of Service, the correspondent was advised on 25<sup>th</sup> October that as the complaint was procedural it was being passed to the Town Clerk for a response, in accordance with the policy. On 25<sup>th</sup> October, the Town Clerk advised the correspondent that they would receive a response following the meeting of Full Council on 15<sup>th</sup> November.

### 1. **At the Full Council meeting on 27<sup>th</sup> September; The Town Clerk deliberately ignored the resolution 3566 (15<sup>th</sup> March 2022) and in essence he illegally rescinded and reversed that motion.**

**Response:** Resolution 3566 specifically includes the following:

13. Working Groups do not meet in public, therefore the Council's Standing Orders are not applicable. At the meeting on 27<sup>th</sup> September the Town Clerk said, "Working Groups are not covered by Standing Orders of the Council." Nothing that the Town Clerk did was to deliberately ignore resolution 3566 and the Town Clerk did not illegally rescind and reverse the decision. The membership of Working Groups and Panels was adjusted and amended, not reversed or rescinded. The decision to alter the membership of Working Groups and Panels was a decision of the Council. If the correspondent considers that anything has been done illegally, they may report the matter to the police or refer the council for Judicial Review.

### 2. **The Town Clerk also ignored and rescinded the previous council resolution 3591 (17<sup>th</sup> May 2022) to adopt the Standing Orders. . .**

**Response:** The Town Clerk did not ignore and rescind resolution 3591. The decision to alter the membership of Working Groups and Panels was a decision of the Council. If the correspondent considers that anything has been done illegally, they may report the matter to the police or refer the council for Judicial Review.

### 3. **and ignored and rescinded the resolution 3593 (17<sup>th</sup> May 2022) to establish membership of committees, boards, panels and working groups.**

**Response:** The Town Clerk did not ignore and rescind resolution 3593. The decision to alter the membership of Working Groups and Panels was a decision of the Council. If the correspondent considers that anything has been done illegally, they may report the matter to the police or refer the council for Judicial Review.

### 4. **This is clear evidence of the council illegally picking and choosing when to apply Standing Orders and when not to.**

**Response:** It is for the Town Clerk as Proper Officer to advise the council on the application of Standing Orders and other rules of the council and for the Council to make decisions, having considered such advice. Where such matters are difficult, and the rules are not necessarily clear, it may be believed that an absence of rules indicates that a subsequent course of action is incorrect but it would also be appropriate, as it was in this case, that an absence of rules requires a pragmatic view to be taken to enable the council to proceed without unreasonable hindrance.

**RECOMMENDATION:** That the Council notes the complaint and the Town Clerk's responses and takes no further action, beyond the adoption of the Protocol for Consultation Meetings.

## 15. **DATE OF MEETINGS**

**To note that;** The next Full Council Meeting is scheduled to be **Tuesday 17<sup>th</sup> January 2023.**

## 16. **MEDIA RELEASES**

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