



Community & Civic Resources Committee

You are summonsed to attend a meeting of the Community & Civic Resources Committee at the following, place and date.

Date: Tuesday, 16 December 2008

Time: Immediately after the Planning Committee Meeting

Venue: Council Chamber, Town Hall, St John's Street, Devizes

Enquiries: Town Hall - Tel: 01380 722160

Chairman: Councillor Evans
The Town Mayor (Councillor Mrs Burton)

Councillors:	Beinhorn	East	Gagen
	Hopkins	Leighton	Nash
	Mrs Taylor	Mrs Winchcombe	

AGENDA

1. MINUTES

To approve as a correct record and authorise the Chairman to sign the minutes of the Community and Civic Resources Committee Meeting held on – 11 November 2008 which have been circulated alongside the agenda.

2. APOLOGIES FOR ABSENCE

3. DISCLOSURE(S) OF INTEREST

To receive any disclosure(s) of interest by a Councillor or an officer in matters to be considered at this meeting, in accordance with provisions of Sections 94 or 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

4. PUBLIC PARTICIPATION

At the Chairman's discretion, members of the public attending the meeting will be allowed to ask questions, make a statement or address the Council upon a matter of concern to that person which is relevant to the Council. A time limit of 5 minutes per person will be permitted, but this may be extended at the Chairman's discretion and a maximum period of 20 minutes has been allocated by the Council for this item of business

5. REPORT FOR INFORMATION – SCHEDULE OF ACCOUNTS PAID

A Schedule of Accounts Paid will be tabled at the meeting.

6. REPORT FOR INFORMATION – PLACE MATTERS CONFERENCE, 20-21 NOVEMBER 2008

This committee nominated Councillor Mrs Winchcombe to attend this conference as representative of the Council however she was unable to attend. Councillor Evans attended in her place. Councillor Evans produced a report which was distributed to members via the bulletin on 9 December.

7. REPORT FOR INFORMATION – TOWN CRIER'S BELL

Mrs Mary Douse, widow of the late Town Crier - Mr Sidney Douse, has kindly donated what is believed to be an original Town Crier's bell. It is understood that this was given to Mr Douse as a keepsake when it had to be replaced due to wear and tear.

The old bell will now take pride of place in the Insignia cabinet and the later bell will be kept in the Mayor's parlour for the new Town Crier to access more easily.

8. REPORT FOR INFORMATION - ELECTORAL ARRANGEMENTS FOR WILTSHIRE COUNCIL

A copy of the final recommendations for new electoral arrangements for the new Wiltshire Council have been received and a copy is held in the office. The committee members will also be able to view the report by visiting the website www.boundarycommittee.org.uk and following the links for Wiltshire.

The recommendation for the report for Devizes is as follows:

214 Devizes Town Council is currently divided into three town wards returning 17 members: Devizes East (returning seven members), Devizes North (returning five members) and Devizes South (returning five members)

215 In the draft recommendations we proposed that Devizes Town Council should be modified to represent three new wards comprising 17 Councillors. This was to comply with the rules set out in Schedule 11 of the 1972 Act.

216 During Stage three we received no objections to our recommendation in this area. As a result we conform them as final.

Issued alongside this agenda is the copy of map identifying the ward boundaries. These boundaries are in line with the Town Council's response to the stage one consultation.

9. REPORT FOR DECISION - CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES

Recommendation

That the committee considers the document communities in control: Real people, real power: Code of conduct for local authority members and employees – A consultation, and decide if they wish to respond.

Purpose of the Report

To decide if this council wishes to respond to the consultation document. The document has been previously circulated for members information.

Background

The current Code of Conduct for local authority members was introduced as recently as May 2007, replacing a former Code introduced in May 2002. The document identifies that it has always been intended to review the current code after the first year to consider early experience of its practical application.

The consultation seeks a response on the following issues and the committee will need to decide if they agree or disagree with the statement or wish to make a supplemental comment.

1	Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?
	From the consultation Paragraphs 2.5 to 2.9 set out the rational for the need to clarify how the code should be interpreted for members in a non-official capacity. From the consultation document it has always been the intention that the code applies in a limited extend to members conduct in a non-official capacity.
2	Do you agree with this definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support, for instance should it include police cautions? Please give details.
	From the consultation Paragraphs 2.10 to 2.12 set a definition of the term "criminal offence".

COMMUNITY & CIVIC RESOURCES COMMITTEE
16 DECEMBER 2008

3	Do you agree with this definition of 'official capacity' for the purpose of the members' code? If not, what other definition would you support? Please give details.
	From the consultation Paragraph 2.14 defines of the term "official capacity" .
4	Do you agree that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?
	From the consultation Paragraph 2.15 defines when the code applies to convictions abroad.
5	Do you agree that an ethical investigation should not proceed until the criminal process has been completed?
	From the consultation Paragraph 2.19 to 221 set a definition of the term "official capacity"
6	Do you think that the amendments to the members' code suggested in this chapter (2) are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?
	From the consultation The committee need to decide if they feel if the draft of code is acceptable or it needs further amendments and if so what aspects would they like to see amended. Paragraphs 2.24 to 2.29 define amendments the existing code. This area may be of particular interest to members.
7	Are there any aspects of conduct currently included in the members' code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?
	The committee need to decide if they wish to make any suggestions. The current code is set out in appendix B

COMMUNITY & CIVIC RESOURCES COMMITTEE
16 DECEMBER 2008

8	Are there any aspects of conduct in a member's official capacity not specified in the members' code that should be included? Please give details.
	The committee need to decide if there are any omissions which they feel should be included

9	Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?
	From the Consultation Paragraph 2.34 set out the timescale for members to give a written undertaking to observe the authorities code

10	Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?
	The committee need to decider if they do

11	Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?
	The committee need to decide of they agree with paragraph 2.39

12	Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?
	The committee need to decide of they agree with paragraph 2.40

Employees' Code

	Consultation Question
13	Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees' terms and conditions of employment, is needed?
	The committee need to determine if there are any benefits with this principal

COMMUNITY & CIVIC RESOURCES COMMITTEE
16 DECEMBER 2008

14	Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?
	The committee needs to decide if they agree with the principle in this question

15	Are there any other categories of employee in respect of whom it is not necessary to apply the code?
	The committee needs to decide if they have a view on this question.

16	Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?
	The committee needs to decide if they agree with the proposed core values for employees as set out in the consultation document.

17	Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?
	Paragraphs 3.11 and 3.12 detail two alternatives to select 'qualifying employee'. The committee need to decided if they have a preference

18	Should the code contain a requirement for qualifying employees to publicly register any interests?
	The consultation document seeks to require qualifying employees to publicly register any interests. Do the committee agree with this requirement.

19	Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?
	The consultation document lists items which should be publicly registered. The committee need to decide if it agrees with this list.

20	Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code? Have any been omitted?
	The committee need to decide if the employees code is as robust as the members code.

COMMUNITY & CIVIC RESOURCES COMMITTEE
16 DECEMBER 2008

21	Does the section of the employees' code, which will apply to qualifying employees place, too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?
	The committee needs to decided if the believe that the employee code is too restrictive
22	Should the employees' code extend to employees of parish councils?
	The committee need to decide if they feel that qualifying Town Council officers should be included as set in paragraphed 3.14

Options Considered

The committee needs to decide if they wish to respond to the consultation document and if so which of the questions it wished to respond to.

Implications & Risks

Financial and Resource Implications

There will be a limited financial and resource implication redrafting the Council's code.

Legal Implications and Legislative Powers

The Local Authority (model code of conduct) Order 2007 requites the council to have a code of conduct and register of member interests.

Environmental Implications

Officers are not aware of any environmental issues associated with this decision.

Risk Assessment

This is an opportunity for members to comment on emerging legislation, which impacts on this council. Should they have any concerns or comments this will be there opportunity to voice them.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

10. REPORT FOR DECISION – CONSULTATION ON LOWERING THE VOTING AGE TO 16

Recommendation

The committee considered the report and decided how they wish to respond the consultation questionnaire on whether the voting age should be lowered to 16.

Purpose of the Report

To respond to the government's consultation on the voting age.

Background

Following the Government's Green Paper The Governance of Britain (2007), the Youth Citizenship Commission was set up to examine ways of developing young peoples understanding of citizenship and increase their participation in politics. The Commission was also asked to lead a consultation on whether the voting age should be lowered to 16.

The consultation highlights the perceived pros and cons around the question of lowering the voting age to 16.

Set out below is some of the arguments for and against lowering the voting age to 16. These arguments form part of the consultation document.

Arguments for and against reducing the voting age to 16

Young people are not mature enough, their personalities are not fully developed and they are unable to comprehend and judge political issues, contexts or relations. Arguments around maturity should be rejected in any democratic perspective. The state has to ensure that the flow of information during electoral periods reaches young people.

Representation

Young people should have a say in shaping policies that directly affect them. Many 16 year olds are in full-time employment and pay income tax and therefore should be able to vote for the people who set those taxes. It is argued that other tax-payers do not have the vote, for example those who do not qualify on nationality grounds. In addition, many people who do not pay income tax have the right to vote so it could be argued there is no linkage between paying income tax and the right to vote.

Responsibility

Some argue that a lack of maturity could lead to irresponsible voting by 16 year olds. Others argue that irresponsible voting can equally apply to older voters.

Citizenship education

Proponents of lowering the age argue that enforcing a gap of two or more years between the end of compulsory citizenship education and voting may be counter productive. Others argue that Citizenship Education is still in its infancy and not a specific curriculum subject outside of England.

Minimum age for other social and civic activities

Opponents argue that although many important legal rights come into play at 16, many do not do so until 18.

Options Considered

Set out below are the consultation questions. The committee need to decide if and how it wished to respond to these questions

1 Do you think the voting age should be lowered? Please tell us why.
2 Do you think the voting age should remain at 18? Please tell us why.
3 Do you think the voting age should be lowered to 16 in all elections? Please tell us why.
4 Do you think the voting age should only be lowered in local elections? Please tell us why.
5 Do you think lowering the voting age might encourage young people to take part in elections? Please tell us why.
6 If the voting age were to be lowered, what measures should the Government take to ensure young people to register to vote and exercise their vote? Please comment
7 What more can be done to encourage new electors to vote?
8 What other issues may arise if the voting age is lowered to 16?

Implications & Risks

Financial and Resource Implications

Officers are not aware of and finance or resource implication associated with this decision.

Legal Implications and Legislative Powers

The town council is only acting as a consultee in this matter.

Environmental Implications

Officers are not aware of any environmental implications associated with this decision.

Risk Assessment

Officers are not aware of an risk implications associates with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

11. REPORT FOR DECISION – DISPOSAL OF REDUNDANT IT EQUIPMENT

Recommendation

That the committee agrees to the disposal of outdated IT equipment through charitable networks and allows for the serviceable items to be sold to the highest bidders through a sealed bid scheme, or it is all disposed of through a charitable network, or given away on a first come first served basis.

Purpose of the Report

To determine best practice for the disposal of outdated or redundant IT equipment.

Background

Over the past two years a number of upgrades have been carried out to the IT infrastructure and equipment to keep pace with technological advances in software and hardware.

There are now a number of desktop pc's and monitors for disposal. Although outdated some of this equipment is in working order but just cannot cope with the demands of a modern office and bespoke software.

Three of the desktop pc's have faulty hard drives and officers have tried to dispose of these through the charity networks only to find that it is sometimes too much trouble for the charitable organisations to collect them as they are not located locally.

Where possible the working units have been upgraded to maximise their capacity however these are now unsuitable for the demands of a professional organisation but would suit a home user or charitable organisation that just requires basic functions and Internet access.

Officers now seek guidance from this committee regarding the disposal of working and non-functioning units.

There are: 3 x workstations with failed or unreliable hard drives
3 x workstations in working order
3 x 15" flat screen monitors in working order
1 x 15" CRT monitor in working order (but very old)

All of the PC's are Intel Pentium III's upgraded with 512kb memory.

Options Considered

This committee may direct officers to continue pursuing the donation of the 3 workstations (with faulty drives) and CRT monitor to a suitable charity; and sell the remaining stock through a sealed bid scheme

Or

Instruct officers to pursue the option of donating all of the equipment to a suitable charitable organisation.

Or

Instruct officers to give away all the equipment on a first come, first served basis.

Implications & Risks

Financial and Resource Implications

The residual value of the stock for disposal is minimal and if option 1 above were actioned any income (not expected to be very much) would be used to offset recent hardware expenditure. If option 2 or 3 above were actioned there would be no income generated.

Legal Implications and Legislative Powers

The Town Clerk, under paragraph 149 of the financial regulations in standing orders has the authority to determine the sale price of obsolete equipment for items with an estimated value of less than £500.

Although the equipment will have a negligible monetary value the Administration & Finance Manager believes it be appropriate for this committee to decide the best course of action for the disposal of this obsolete administrative equipment, especially if it is to be donated to a charitable cause.

Environmental Implications

There are regulations regarding the disposal of waste electrical items and as the council has an adopted environmental policy best practice would suggest that recycling or re-use would be the most appropriate course of action.

Risk Assessment

None of the workstations contain personnel data but any programmes that are specifically licensed to Devizes Town Council will have to be removed before disposal. Those PC's with damaged hard drives will have the hard drives removed and destroyed if the organisation receiving them can not guarantee proper disposal treatment of these drives.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

12. QUESTION TIME

Members will be allowed a short period in which to put questions on matters within the remit of this Committee which are not contained in the reports of matters formally considered by the Committee at this meeting. The question may be answered at the meeting or may be referred back to the Committee at a later date. The question may not be the subject of any further details.

TOWN CLERK