



SPECIAL **DEVIZES TOWN** **COUNCIL**

You are summonsed to attend a meeting of the Devizes Town Council Committee at the following, place and date.

Date: 24 JULY 2008

Time: 7.00 pm

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

Enquiries: Town Hall - Tel: 01380 722160

Chairman: The Town Mayor (Councillor Mrs Burton)

Councillors:	Beinhorn	Callow	East
	Evans	Mrs Evans	Gagen
	Gudgeon	Hopkins	Leighton
	Nash	Parsons	Smith
	A R Taylor	Mrs Taylor	C S Winchcombe
	Mrs Winchcombe		

AGENDA

1. MINUTES

To approve as a correct record and authorise the Chairman to sign the minutes of the Meeting of the Council held on the 26 June 2008.

2. APOLOGIES FOR ABSENCE

3. DISCLOSURE(S) OF INTEREST

To receive any disclosures by a Councillor(s) and/or Officers in matters to be considered at this meeting in accordance with the provisions of Sections 94 or 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

- 4. To receive announcements and communications.
- 5. To answer questions (if any) under standing order No. 13.

6. MINUTES OF MEETINGS FOR INFORMATION

Since the last meeting of the Council on 26 June 2008 the following Committees have taken place whose minutes have been approved as a correct record and signed by the appropriate committee chairman.

The minutes of these meetings have been previously circulated to all members.

COMMITTEE NAME	COMMITTEE DATE
Planning	15 April 2008
Planning	29 April 2008
Planning	13 May 2008
Planning	27 May 2008
Planning	10 June 2008
Community & Civic Resources	29 April 2008
Community & Civic Resources	27 May 2008
Recreation & Properties	13 May 2008
Recreation & Properties	27 May 2008
Recreation & Properties	10 June 2008

NOTE: Before dealing with the next item (No 7) the Council will wish to consider whether or not to suspend Standing Order No 5 (members to stand when speaking). If the Standing Order is to be suspended, it must be done by way of a proposition, duly seconded and carried.

7. REPORT FOR DECISION – WILTSHIRE COUNCIL DELEGATION OF SERVICES TO TOWN AND PARISH COUNCILS

Recommendation

To consider the types of services that the Town Council may wish to be delegated from the new Wiltshire Council.

Purpose of the Report

To consider services the Town Council may wish to have delegated to it.

Background

At the meeting of Community and Civic Resources Committee on 29 April 2008 members considered the letter received from Mr Richard Munro with regard to the delegation of services.

The Committee felt that this was a matter that should be considered by the full Council, although it expressed the view that there are some services, including the operation of the markets and the maintenance of some areas of important amenity land that the Council would be best placed to manage. Some concern was expressed with regard to the financial liability emerging from the adoption of services.

Officers have written to Mr Munro expressing the views of the committee and he is attending this meeting to discuss further the issues surrounding the delegation of services and the sorts of conditions that might need to be met.

Options Considered

The Council can give consideration to the sorts of services that it may wish to be delegated to the Town Council.

The Council may wish to give further consideration to this matter following the report by Mr Munro at a future meeting of the Council or through the Forward Planning process.

Implications & Risks

Financial and Resource Implications

Any financial and resource implications cannot be established until a firmer view of the nature and extent of delegation of services is established.

Legal Implications and Legislative Powers

Most of the services that the Town Council have considered are within existing powers and duties. Where no such power exists, it will be delegated by the Wiltshire Council along with the service.

Environmental Implications

Officers are not aware of any environmental implications.

Risk Assessment

Any risks cannot be established until a firmer view of the nature and extent of the delegation of services is established.

Crime and Disorder

Officers are not aware of any implications with regard to crime and disorder.

8. REPORT FOR INFORMATION - CONSULTATION ON THE DATE FOR THE NEXT PARISH AND TOWN ELECTIONS.

At their meeting on 9 July, Wiltshire Council's Implementation Executive (IE) resolved to recommend to the DCLG that parish and town elections should remain deferred until 2013.

By 9 July, 94 responses from parish and town councils had been received, 78 of which favoured deferred elections in 2013.

On a related matter, the IE resolved to recommend to the new council that it should fund the costs of parish and town elections where they fall together with those of the new unitary authority.

9. REPORT FOR DECISION – STATEMENT OF ACCOUNTS FOR YEAR ENDING 31 MARCH 2008

Recommendation

To adopt the statement of accounts for the year ending 31 March 2008.

Purpose of the Report

To consider and adopt the accounts for the year ending 31 March 2008.

Background

Legislation determines the accounting regime for local councils depending on the level of income or expenditure, whichever is the greater.

As part of the Best Value regime, Devizes Town Council was required to undertake full Statement of Recommended Practice (SORP) accounting, which is the same standard as a District, County or Unitary Authority. This involves a full external audit and the date by which the accounts should be adopted is 30 June of each year.

However, with the repealing of the Best Value legislation, officers believed that Devizes Town Council fell outside of the SORP requirements in that the Council's budgeted income and expenditure was less than £1 million for the last three consecutive years. In consultation with the external auditors, Officers made preparations to undertake the new reduced limited assurance accounting requirements. The statement of accounts under this arrangement should be adopted by the 31 July 2008.

During the process of these preparations, the legislation defining the criteria for accounting requirements was clarified. It emerges that the criteria is actual income or expenditure, whichever is the greater, rather than budgeted as was originally understood.

As such Devizes Town Council do not fall into the reduced limited assurance regime and therefore continues to be required to produce full SORP accounts.

Arrangements for the production of the accounts has been put in place and the accounts are to be distributed separately to this agenda. However, it should be noted that the date by which the accounts should have been adopted has passed. This may result in a comment by the external auditor, however the mitigating circumstances are declared in the accounts.

Options Considered

The Council are recommended to adopt the Statement of Accounts for the year ending 31 March 2008.

Implications & Risks

Financial and Resource Implications

Officers are not aware of any financial or resource implications.

Legal Implications and Legislative Powers

The Council are bound by legislation to adopt the statement of accounts by the required date.

Environmental Implications

Officers are not aware of any environmental implications.

Risk Assessment

Failure to adopt the statement of accounts could result in the auditor giving a qualified report.

Crime and Disorder

Officers are not aware of any implications with regard to crime and disorder.

10. REPORT FOR DECISION – CORPORATE RISK ASSESMENT POLICY

Recommendation

That the Council approved the broad Risk Assessments that identify areas of potential corporate risk to the Council's operation:

Purpose of the Report

For the Council to acknowledge its responsibility in terms of corporate governance and to adopt policies with regard to risks that threaten its capacity to operate.

Background

Each year officers are required to review potential risks the Council could be exposed to which include the following headings.

1. Personnel
2. Accommodation & Infrastructure
3. Financial
4. Operational
5. Legal

Issued alongside this agenda are the detailed risk assessments including the action points, which need to be taken to mitigate any risk the organisation may encounter.

Options Considered

The Council needs to decide if it wishes to accept the risk assessments compiled by officers or highlight any amendments they would wish to see.

Implications & Risks

Financial and Resource Implications

There is a requirement for the council to explore its corporate governance and protect itself from potential risk.

Legal Implications and Legislative Powers

The Management of Health and Safety at Work Regulations 1999 and our audit regime (corporate governance), requires us to produce risk assessments.

Environmental Implications

There are no obvious environmental implications associated with this decision.

Risk Assessment

Failure to identify corporate risks and develop policies and controls to mitigate risks will result in the Council being exposed to corporate and operational danger.

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. EXEMPT REPORT FOR DECISION – RELATING TO A PERSONNEL ISSUE