



**Devizes**  
**Town Council**

[www.devizes-tc.gov.uk](http://www.devizes-tc.gov.uk)

# **DEVIZES TOWN** **COUNCIL**

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

Date: 14 December 2017

**Time: 6.45 pm**

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

Enquiries: Town Hall - Tel: 01380 722160

Councillors:	Bridewell	Burton	Corbett
	Carter	P Evans	S Evans
	Gay	Geddes	Giraud-Saunders
	Godwin	Greenwood	Hopkins
	Johnson	Nash	Parsons
	Rose	Rowland	Shaw
	Stevens	Von Berg	Wooldridge

## **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 17 October 2017.

### **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. 15.

**6. MINUTES OF MEETINGS FOR INFORMATION**

Since the last meeting of the Council on 17 October 2017 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.

<b>COMMITTEE NAME</b>	<b>COMMITTEE DATE</b>
Planning Committee	3 October 2017
Planning Committee	17 October 2017
Planning Committee	31 October 2017
Planning Committee	14 November 2017
Recreation & Properties Committee	17 October 2017
Community & Civic Resources Committee	3 October 2017

**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 INFORMATION – PROJECT LIST**

Circulated alongside this agenda is a list detailing the current position with regard to ongoing and proposed projects.

**8. REPORT FOR INFORMATION– COUNCIL ROADSHOW**

Councillors held the first Council Roadshow at the Corn Exchange on 16<sup>th</sup> November 2017. Set out below are the issues which were captured on the day. Where appropriate, officers have reported issues to other local bodies. Officers have also noted the ongoing concern raised about litter on the Green.

*General*

- Very impressed with the Town Council staff. Always answer phone quickly and politely.
- Visitor from Bradford on Avon said they love Devizes and always come to visit the Collector's Market.
- Technology development to enhance the infrastructure, namely canal and roads.
- A good cinema needed.
- Too much car parking and traffic in town.
- Why isn't the Wiltshire Museum free when the Town Council and Wiltshire Council contribute to it?
- Concerns around the condition of the Assize Court.

*Town Council*

- Litter on the Green.

*Wiltshire Council/Police*

- Hedges in White Horse Way need cutting.
- Weeds around kerbs.
- Local bus service no good.
- Dog mess in Hillworth Road.
- Dirty streets.
- More disabled parking spaces, e.g. in Market Place.
- Station Road – problems with the deterioration of the road surface.
- Brickley Lane 20mph limit not enforced.
- John Rennie Close – drug problems.

The next Council Roadshow will be held on Thursday 15<sup>th</sup> February 2017 from 10am until 1pm.

**9. REPORT FOR INFORMATION – GENERAL DATA PROTECTION REGULATIONS**

Like all organisations, Devizes Town Council creates, stores and uses personal information about living individuals as part of its every day operation.

In May 2018 the regulation changes making organisations much more accountable for the data they hold and how they use it.

In preparation for this, officers are:

- Documenting what data the Council stores. This includes accounting records, venue hire details, emails and mailing lists.
- How the data was collected. Was the data collected for a specific agreed task, is it a requirement of supply of business or is it for advising members of the community about Town Council services.
- What consents we have gained to hold personal data.
- How we secure the data.

Whilst the council does not speculatively hold large amount of personal data it is likely that some changes in policy will be required and as we work through the process the Council will be updated.

Currently, there is some debate as to whether Councillors should be registered as data controllers in their own right, as they collect email addresses and personal information about residents who they help. The Information Commissioner is currently indicating that such information is personal to a Councillor, as individual Councillors cannot act as part of the corporate body.

Attached to this agenda is a briefing supplied by Wilshire Council on the issues (doc 9/1)

Once more information is received, officers will be in a better position to advice members.

**10. REPORT FOR DECISION – APPOINTMENT OF DEPUTY MAYOR AS MAYORAL NOMINATION FOR 2018/2019**

**Recommendation**

Members are requested to confirm the Deputy Mayor, Councillor Andy Geddes, as the Council's nomination for Mayor for the municipal year 2018/19.

**Purpose of the Report**

To seek clarification for the Council's nomination for Mayor for the municipal year 2018/19.

**Background**

It is tradition for the Council to confirm the Deputy Mayor as its nomination for Mayor for the following municipal year.

**Options Considered**

The Council is requested to confirm Councillor Andy Geddes as its nomination.

**Implications & Risks**

**Financial and Resource Implications**

Each year a budget provision is made for the Mayoralty.

**Legal Implications and Legislative Powers**

The Council will be considering this matter under its General Power of Competence.

**Environmental Implications**

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

**Risk Assessment**

Officers are not aware of any risk implications associated with this decision. The final appointment of Mayor is undertaken at the Annual Statutory meeting in May.

**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 – TOWN COUNCIL MANAGEMENT ARRANGEMENTS**

**Recommendation**

That the Council accepts the Personnel Panel's recommendation that the Deputy Town Clerk is confirmed as acting Town Clerk and Responsible Financial Officer for the remainder of the Town Clerk's extended period of sickness.

**Purpose of the Report**

To recognise that the existing senior management team is no longer acting in a deputising role during the current period of sickness of the Town Clerk

**Background**

The Council will be aware that the Town Clerk is currently on a period of extended sick leave and the Deputy Town Clerk supported by the Finance Manager, Direct Services Manager and Civic and Personnel Administrator have been ensuring the authority continues to run smoothly.

Whilst the Council has a deputising arrangement for routine periods of absenteeism, those deputising would be expected to work within the guidance of others, which is currently not the case. The extended period of sickness of the Town Clerk has resulted in the Deputy Town Clerk and management team needing to act without referring matters to her and therefore moving beyond a period of deputising.

To ensure that there is clarity of management and definition of responsibilities, the Council needs to be clear in its appointment of senior management to ensure that all management instructions are recognised as properly made removing the doubt about the authority to make them.

It would be normal practice during any prolonged period of absenteeism that the management arrangements are clarified for the period. In addition the Council is required to appoint a Responsible Financial Officer (RFO), which is a duty of the Clerk and should there be a challenge, the current arrangements might be seen to be somewhat without clarity.

Whilst the committee are asked to agree this interim arrangement, during the Town Clerks absence, current staffing titles will remain as they are.

When the Town Clerk returns to work then the acting up arrangements would immediately cease and she would once again resume her role as head of paid services and Responsible Financial Officer.

The Personnel Panel have made the following recommendations

- That the Council appoint the Deputy Town Clerk acts as Town Clerk for the remainder of the current period of sickness by the Town Clerk.
- That the Council appoint the Deputy Town Clerk act as Responsible Financial Officer for the remainder of the current period of sickness by the Town Clerk.

The Personnel Panel are currently reviewing a scheme of payments for those who have taken on additional duties to cover the Town Clerks leave of absence.

### **Options Considered**

1. The Council accepts the Personnel Panel's recommendation that during the continued current period of sickness of the Town Clerk the following arrangements are put in place.
  - The Deputy Town Clerk act as Town Clerk.
  - The Deputy Town Clerk is appointed Responsible Financial Officer.
2. The Council agree an alternative senior management arrangements during the current period of sickness of the Town Clerk.
3. To leave the current management arrangements as they are.

## **Implications and Risks**

### **Financial and Resource Implications**

The current remuneration for the Management team is based on a four team model. This work is now being undertaken by three staff and this should be reflected.

### **Legal Implications and Legislative Powers**

The Council will be considering this matter under its General Power of Competence.

### **Environmental Implications**

Officers are unaware of any environmental implication for the Council associated with this decision.

### **Risk Assessment**

The lack of senior management clarity will lead to confusion and uncertainty when dealing with complex issues. Having no appointed acting senior officer there will be no clarity around accountability.

### **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. REPORT FOR DECISION – ADOPTION OF BUDGET FOR FINANCIAL YEAR 2018/19**

### **Recommendation**

The Council is recommended to agree the budget for financial year 2018/19.

### **Purpose of the Report**

To consider the budgeted income and expenditure for the financial year 2018-19 and provide sufficient financial resources for any additional services the Council may consider it wishes to take on.

### **Background**

Officers prepared the draft budget for financial year 2018-19 in line with identified business activities and plans or those which are projected. A financial estimate of forecasted income, expenditure and capital projects was presented at the meeting of the Council held on 17 October 2017. After careful scrutiny by members, it was agreed that the draft estimates for 2018/19 as presented should go forward to Full Council for approval on the 14 December, subject to any agreed adjustments prior to that meeting.

These draft estimates have subsequently been amended following an agreement by members to increase the grant to the Devizes Museum, as approved under minute 342 of the Council's Community & Civic Resources committee held on 17 October 2017 and the approval of members to recruit a part time Marketing Officer, approved under minute 387 of the Council's Recreation & Property committee, held on 14 November 2017.

These adjustments have now been made to the draft 2018/19 budget which is circulated alongside this agenda.

### **Options Considered**

The Council needs to decide if they feel that the proposed budget is in line with the level of services it wishes the Council to deliver in 2018/19

## **Implications & Risks**

### **Financial and Resource Implications**

The budget reflects the Council's ability to fund its Financial and Resource needs for the financial year 2018/19.

### **Legal Implications and Legislative Powers**

The Council will be considering this matter under its power of General Competence

### **Environmental Implications**

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

### **Risk Assessment**

Not setting a budget would leave the Council open to challenge by the auditors for financial mismanagement. In addition, the Council will not be able to set a precept and therefore will have its precept imposed by Wiltshire Council.

### **Crime and Disorder**

Officers are not aware of any implications Under Section 17 of the Crime and Disorder act 1998.

## **13. REPORT FOR DECISION – AGREE PRECEPT FOR FINANCIAL YEAR 2018/19**

### **Recommendation**

The Council are required to set the precept for the financial year 2018/2019 in accordance with the agreed budget for the same period.

### **Purpose of the Report**

The purpose of this report is for the Council to pass a resolution setting the precept for financial year 2018/2019.

### **Background**

Before this agenda item, the committee will have reviewed the proposed estimates for financial year 2018/2019.

In agreeing the budget, there is a calculation for the funding needed to fund the anticipated expenditure.

The Committee are now required to formally agree this figure and set the level of precept for financial year 2018/2019 which will be served on Wiltshire Council.

### **Options Considered**

Members are required to set a level of precept in line with the budget for financial year 2018/2019.

### **Implications & Risks**

#### **Financial and Resource Implications**

The precept underpins the agreed financial budget and therefore must be set in accordance with that budget.

#### **Legal Implications and Legislative Powers**

Under section 41 of the Local Government Finance Act 1992 the Council has a power to raise finance through local taxation.

#### **Environmental Implications**

Officers are not aware of any environmental implications associated with setting the 2018/2019 precept.

#### **Risk Assessment**

If the Council was not to set a precept, the Unitary Council has the power to set a precept on the Town Council's behalf. If this was to happen the Town Council might not be able to fund its agreed expenditure.

#### **Crime and Disorder**

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

## **14. TO PASS THE FOLLOWING SEALING RESOLUTION**

THAT the Common Seal of the Council be affixed to or the Deputy Town Clerk do sign on behalf of the Council where appropriate any Orders, Deeds or Documents necessary to give effect to any of the matters and recommendations contained in the reports received and adopted at this meeting or other decisions of the Council thereat.

**15. QUESTION TIME**

A short time is allowed at the discretion of the Town Mayor for councillors to ask questions on matters which are not on the current agenda but which are related to matters which have been previously discussed on an agenda relevant to the committee.

At least 24 hours' notice must be given to officers of the intended question. All other matters should be raised on an agenda and the request should be submitted through the Town Clerk

**16. PUBLIC PARTICIPATION**

At the Chairman's discretion, members of the public attending the meeting will be allowed to ask questions addressed to the Chairman concerning the administration, function or responsibilities of the Council or upon a matter, which was the subject of debate at the meeting.

A person may also be permitted to make a statement or address the Council upon a matter of concern to that person which is relevant to local government, or to the Council's administration or upon a subject, which may be of general interest 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.

Deputy Town Clerk