



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

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

Date: 15 September 2009

Time: **6.30 pm**

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

Enquiries: Town Hall - Tel: 01380 722160

Chairman: The Town Mayor (Councillor Leighton)

Councillors:	Beinhorn	Mrs Burton	Callow
	East	Evans	Mrs Evans
	Gagen	Gudgeon	Hopkins
	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 25 June 2009.

### **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 25 June 2009 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	9 June 2009
Planning	23 June 2009
Planning	7 July 2009
Planning	21 July 2009
Planning	4 August 2009
Planning	18 August 2009
Community & Civic Resources	9 June 2009
Special Community & Civic Resources	23 June 2009
Community & Civic Resources	21 July 2009
Recreation & Properties	26 May 2009
Recreation & Properties	23 June 2009
Special Recreation & Properties	21 July 2009

**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 – AUDITORS REPORT FOR THOSE CHARGED WITH GOVERNANCE**

**Recommendation**

That the Council adopt the accounts as amended following the annual audit and to note the report of the auditors to those charged with governance 2008/09.

**Purpose of the Report**

To adopt the amended accounts which has been circulated alongside this agenda and to accept the auditors report to those charged with governance 2008/09 (Docs 7/1-7/17).

**Background**

As part of new audit legislation, the Council are required to adopt the auditor's Annual Governance Report before they are able to issue their audit opinion.

The auditor expects to issue an unqualified audit opinion by 30 September.

The Council's Admin & Finance Manager has been asked to make the necessary amendments to the accounts and these are annexed hereto.

Officers have accepted the main points in the report.

**Implications & Risks**

**Financial and Resource Implications**

The financial resource implications are inline with good management Practice.

**Legal Implications and Legislative Powers**

There could be legal implications if the Council receives a qualified Audit.

**Environmental Implications**

Officers are not aware of any environmental implications attached to this decision.

**Risk Assessment**

Failure to implement the auditor's findings could result in the Council exposing itself to the risk of poor governance.

**8. REPORT FOR DECISION – REACCREDITATION FOR QUALITY COUNCIL STATUS**

**Recommendation**

To agree to submit for reaccreditation for Quality Council status.

**Purpose of the Report**

To consider the benefits in Quality Council status and to agree to apply for reaccreditation.

**Background**

Devizes Town Council achieved Quality Council status on 24 November 2005 and is due for reaccreditation in November 2009. The

SPECIAL DEVICES TOWN COUNCIL  
15 SEPTEMBER 2009

application cannot be made before the 4-year period expires, but during a three-month period of 'grace' following expiry, the submission for reaccreditation can be made. If it is not made within this time, the Council's Quality Council status will be lost.

Therefore if the Council wish to maintain its Quality Council status an application for reaccreditation must be made between 24 November 2009 and 24 February 2010.

The Quality Parish and Town Council Scheme was launched in 2003 following the Government's *Rural White Paper*, 2000. The aim of the scheme is to provide benchmark minimum standards for parish and town councils. The scheme is supported by six National Stakeholders:

- Commission for Rural Communities
- Department for Communities and Local Government
- Department for the Environment, Food and Rural Affairs
- Local Government Association
- National Association of Local Councils
- Society of Local Council Clerks

The Department for the Environment, Food and Rural Affairs commissioned the University of Wales to review the scheme in 2006 and their research helped the National Stakeholders to the Scheme to agree amendments that would help councils achieve ever-higher levels of professionalism and help to cement their position as community leaders.

Amendments to better reflect the increased professionalism of councils were made to the scheme in June 2008, which the Town Council will need to address through the reaccreditation process. There are now three tests new tests plus a number of minor amendments to some of the existing tests. The full guidance is available by request from the Town Hall Offices.

- Electoral Mandate
- Qualifications of the clerk
- Council meetings
- Communication and Community Engagement
- Annual Report
- Accounts
- Code of Conduct
- Promoting local democracy and citizenship (new test)
- Terms and conditions (new test)
- Training (new test)
  
- **New test** - Promoting Local Democracy and Citizenship test - Councils will be required to demonstrate that they work proactively to support local democracy and citizenship. A specific guidance

note is circulated alongside the agenda showing the kinds of activities that the council may wish consider. However, the note is intended to be illustrative only and councils are encouraged to be innovative.

- **New test - Terms and Conditions** - Councils with a paid clerk will be required to provide evidence that they have adopted (as a minimum) the NALC/SLCC Terms and Conditions agreement and provide evidence in the form of a statement that they have issued all paid members of staff with a contract of employment. This condition is already met.
- **New test - Training** - Councils will be required to provide a training 'Statement of Intent' which shows that the council has identified key areas of training need for both staff and members. The Council have already ratified a Training Policy, the 'Statement of Intent' can be developed as a consequence of the Training Policy.

The Council is currently a Quality Council, which gives it some credibility in dealings with other organisations. Some grant funders are now starting to require Quality Status as a condition of funding Town and Parish Council projects as it gives an assurance of a well-run council.

Although reaccreditation cannot be submitted until after 24 November 2009, officers would wish to start work earlier on the submission. This is because of other projects potentially coming on stream in December – most notably the Hillworth Park project in the event that the Heritage Lottery Fund bid is successful.

### **Options Considered**

The Council can

Agree to submit for reaccreditation for Quality Council status

Or

Allow Quality Council status to expire and not seek reaccreditation

### **Implications & Risks**

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

Failure to achieve reaccreditation of Quality Council status could result in grant funding opportunities not being available.

There is a resource implication in terms of officer time in respect of compiling the application.

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

Officers are not aware of any legal implications.

**Environmental Implications**

Officers are not aware of any environmental implications.

**Risk Assessment**

There is a risk that the Council's credibility, may be damaged and this could affect the Council's ability to negotiate, particularly in terms of delegation of services from the principal authority.

**Crime and Disorder**

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

**9. REPORT FOR DECISION – POWER TO PROMOTE WELL-BEING OF THE AREA**

**Recommendation**

That the Council decides if it wishes to become a council eligible to use the power of well-being.

**Purpose of the Report**

To consider whether Devizes Town Council would wish to become a council eligible to use the power of well-being.

**Background**

The Local Government and Public Involvement in Health Act 2007 provided for the extension of the power of well being to Local Councils who meet the required criteria as an eligible council.

The power of well-being is very broad and removes the need for local councils to rely on other legislation in order to take a particular action. Instead, local councils can look to the well-being power in the first instance as a power of 'first resort'. The current list of relevant legislation is listed in the councillor information pack which was issued when the current council was elected in 2007.

To ensure that local councils using the well-being power have the relevant competency and capacity to take on the enhanced role and responsibilities that the power brings, the Government considered it prudent to put in place certain safeguards. These are prescribed conditions which are concerned with ensuring that the council is effectively and properly managed, comprises a high proportion of elected councillors, has councillors and clerks who have received specific training in the use of the well-being power and is in touch with the community it serves.

The conditions which are set out in the Prescribed Conditions Order requiring the council to have:

SPECIAL DEVICES TOWN COUNCIL  
15 SEPTEMBER 2009

- A qualified clerk
- A minimum of two-thirds of vacancies on the council filled at the last ordinary elections
- 80% of councillors trained in the use of the well-being power and
- Published a statement of intent as to community engagement

An eligible council is enabled to use the power to promote well-being where it considered this will achieve any one or more of the following three objectives:

- a) the promotion or improvement of the economic well-being of its area
- b) the promotion or improvement of the social well-being of its area
- c) the promotion or improvement of the environmental well-being of its area

The Government considers that the term 'promotion of economic, social or environmental well-being' to be sufficiently broad to encompass both cultural well-being and the promotion of the health of the area.

The power must be used in relation to, or for the benefit of, any one or more of the following categories:

- the whole of the council's area
- a part of the council's area
- all persons resident or present in the council's area
- any person resident or present in the council's area

The provisions have been drafted to provide the maximum flexibility. The definition of 'persons present' in an area includes groups such as people working in the area, tourists, commuters and travellers.

The legislation also provides for the power for an eligible council to do anything in relation to, or for the benefit of any person or area situated outside its area if that action contributes to the well-being of its own area.

Currently Devizes Town Council satisfies the electoral test of a minimum of two-thirds of vacancies on the council filled at the last ordinary elections.

The Town Clerk will need to undertake an additional model of the Certificate of Local Council Administration.

80% of councillors will need to attend a training course – the requirement for Devizes Town Council will be 14 councillors. Training can be arranged through the Wiltshire Association of Local Councils and comprises a 2 hour session.

The statement of intent as to community involvement is already partly being undertaken by the Council through its annual governance arrangements. It should outline how the council intends to engage with interested persons.

Once all the conditions have been met, the Council will then need to make a resolution at a full meeting of the Council to the effect that the conditions have been met and it resolves to undertake to use the power of well-being.

#### **Options Considered**

The Council must decide if it wishes to be eligible to operate the power of well-being and commit to the process that will achieve this.

#### **Implications & Risks**

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

There will be a financial and resource implication in undertaking the training and the additional module of the Certificate in Local Council Administration as well as the development of the statement of intent as to community engagement.

These financial and resource implications are not considered to be overly onerous except to the extent of councillors' time in terms of the training session. The total cost of the training will be in the region of £100 for which there is adequate budget.

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

The power of well-being would allow the council not to have to rely on other legislation and give a greater degree of flexibility to act to the benefit of its community in ways which it is currently unable to do.

##### **Environmental Implications**

Officers are not aware of any environmental implications.

##### **Risk Assessment**

Failure to agree to become an eligible council to undertake the power of well-being could result in the Council being restricted in its ability to act.

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

THAT the Common Seal of the Council be affixed to or the 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.

**11. 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.

**12. QUESTION TIME**

At the Town Mayor's discretion members will be allowed a short period in which to put Questions on matters of concern to the Council which are not contained in the reports of matters formally considered by the Council at this meeting.

Town Mayor