

WESTBURY TOWN COUNCIL

**AT THE MEETING OF THE TOWN COUNCIL HELD AT THE LAVERTON,
BRATTON ROAD, WESTBURY ON MONDAY, 2ND SEPTEMBER 2013 AT 7.00 PM.**

PRESENT: Cllr D Windess (Chairman)

**Cllrs S Andrews, D Bradshaw, I Cunningham, Mrs S Ezra, R Hawker,
D Jenkins, G King, Mrs C Mitchell, F Morland, M Sutton, I Taylor (left
9.04 pm), W D Tout, and P Wakeman.
Mr K Harvey, Town Clerk, and Mrs B Mantle.**

Mr I Gibbons, Director of Law and Governance, Wiltshire Council.

7 members of the public.

T.2912 PUBLIC FORM:

Dr P Biggs:

- Permanent planting, hanging baskets, and flower beds outside the Library and either side of the War Memorial.
- Reinstatement of the War Memorial.
- Campus consultation – response by Town Council/Town Councillors.
- Standards Complaint – Cllr I Taylor/Cllr R Hawker.

The Clerk responded, in part, to the points raised by Dr Biggs as follows:

- a. Hanging baskets are the responsibility of the Town Council, and are watered every two days. The remaining bedding areas are the responsibility of Wiltshire Council's appointed contractor. The contractor for these works was changed earlier in the year, which caused some delay in maintenance of these areas.
- b. The War Memorial will be covered later on the agenda.

T.2913 ACCEPTANCE OF APOLOGIES AND REASONS FOR ABSENCE:
Cllr S Miles - Personal

T.2914 DISPENSATIONS. Nil.

T.2915 DECLARATIONS OF INTEREST:

Cllr S Andrews	Non-pecuniary	Item 7 – witness in the investigation and at the Hearing.
	Non-pecuniary	Item 14 – as the subject of that item.
Cllr G King	Non-pecuniary	Item 7 – witness in the investigation and at the Hearing.
Cllr F Morland	Non-pecuniary	Item 7 – acted on behalf of Cllr R Hawker prior to the election in May.

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Cllr I Taylor	Non-pecuniary	Item 7 - as the complainant in this matter. Item 14 – as proposer of the motion.
Mr K Harvey	Non-pecuniary	Item 7 – witness in the investigation and at the Hearing.

T.2916 **MINUTES.** The Minutes of the Town Council Meetings held on the 1st July, 15th July and 12th August 2013 were confirmed and signed by the Chairman.

T.2917 **MATTERS ARISING FROM THESE MINUTES:** Nil.

Members' matters arising from these Minutes:

T.2918 **POLICE REPORT.** The Clerk reported that due to demands of the service, no police officers will be attending town and parish meetings in future. However, it is hoped the local police will be able to provide a written report for Town Council meetings.

T.2919 **STANDARDS COMPLAINT WC 03/12 – CLLR RUSSELL HAWKER – DECISION NOTICE.**

T.2920 It was resolved to suspend Standing Orders to allow Mr Gibbons to speak to council and answer any questions raised.

The Decision Notice, as approved informally by the Wiltshire Council Standards Hearing Sub-Committee, had been circulated to all members. The Clerk stated that it was not the purpose of this item to revisit the case, but purely to consider the recommendations contained within this Notice. He had invited Mr Ian Gibbons, who is Director of Law and Governance and the Monitoring Officer for Wiltshire Council, to give a brief overview, to clarify the current situation and give guidance where required.

Mr Gibbons reported on the Hearing of the Sub-Committee held on the 30th July to consider a complaint against Cllr Hawker. This had been a lengthy hearing, and the decision had been set out in the papers already circulated. The Decision Notice was informally approved, and all members of the Sub-Committee agreed with the content, but technically the decision is required to go on notice to the Sub-Committee for formal approval on the 3rd September. The Sub-Committee had reached its decision in respect of the eight allegations and has made recommendations in respect of sanctions against Cllr Hawker, having found three breaches of the Code of Conduct.

The Decision Notice outlined the process that was followed, and every aspect of the process was reported in brief. Both Cllr Hawker and Cllr Taylor had confirmed that in their view the process was fair. The sanctions recommended in respect of the breaches found were:

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1. Censure.
2. Suitable training and support for Cllr Hawker in connection with his obligations under the Code of Conduct.

Section 27 of the Localism Act imposes on the relevant authority - in this case Westbury Town Council - a duty to promote a high standard of conduct of its members and co-opted members. Complaints against town councillors are considered by Wiltshire Council as the principal authority. Under transitional arrangements, the correct legal approach is that this case had to be decided under the old code of conduct, but dealt with under the new arrangements (Cllr Hawker conceded this). Section 28.11 sets out the relevant authority, ie this council, when a member has failed to comply with the code of conduct, it can decide on what action to take. Wiltshire Council has determined the allegations and the town council's role is, with regard to the recommendation, to take such action in the context of the duty to promote and maintain high standards of conduct.

Concern was expressed by several members whether Westbury Town Council should approve the recommendation set out in the Decision Notice before the Notice had been formally approved by the Standards Hearing Sub-Committee. Mr Gibbons advised that it was a matter for Westbury Town Council to consider whether it wishes to make a decision or defer. The substantive has been made and informally approved by the Sub-Committee on the 30th July when the members agreed to the content of the recommendation. His advice to the Council was to deal with this to avoid any further protraction of this matter. The Clerk reiterated this advice, as he was very keen for the Council to conclude this issue, and carry on with the primary work of the Council.

Cllr Morland questioned the statutory provision allowing Wiltshire Council, acting as the principal authority, the power to determine this matter, rather than Westbury Town Council taking this role, citing Section 28.11 of the Localism Act. Mr Gibbons drew attention to the effect of the transitional arrangements, which applies the former code of conduct. He believes Section 28.11 taken with Section 27 gives Westbury Town Council the power to determine what action it wishes to take.

Cllr Hawker did not believe he had breached the old code of conduct, and called into question the competence and impartiality of the Standards Hearing Sub-Committee. He also asked whether the Clerk had sought advice from any sources other than the Monitoring Officer. The Clerk considered he could do no better than to consult the Wiltshire Council Monitoring Officers on this matter.

Mr Gibbons also advised the Council that its Minutes may show that the censure has been received by Cllr Hawker and training undertaken, but there is no requirement to put a time limit on the recommendations being carried out. However, the Council does have discretion over this.

T.2921 It was resolved to return to Standing Orders.

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T.2922 Cllr Andrews proposed that Council receives the Decision Notice as approved informally by the Standards Hearing Sub-Committee, and to accept the recommendations therein; this decision to be subject to the formal approval of the Decision Notice by the Standards Hearing Sub-Committee on the 3rd September 2013.

Cllr Hawker proposed the following amendment:

That the Town Council defers this matter until the Clerk has obtained third party advice, and the recommendations from Wiltshire Council have been properly signed off and confirmed, so that when Town Council makes its decision, it has all the necessary information with which to do so.

Cllr Mrs Ezra requested a recorded vote.

	For	Against	Abstained
Cllr S Andrews		X	
Cllr D Bradshaw		X	
Cllr I Cunningham		X	
Cllr S Ezra		X	
Cllr R Hawker	X		
Cllr D Jenkins		X	
Cllr G King		X	
Cllr Mrs C Mitchell		X	
Cllr F Morland	X		
Cllr M Sutton	X		
Cllr I Taylor		X	
Cllr D Tout	X		
Cllr P Wakeman	X		
Cllr D Windess	X		
Totals	6	8	

The amendment failed.

Members then voted on Cllr Andrews's motion, and a recorded vote was again requested by Cllr Mrs Ezra.

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	For	Against	Abstained
Cllr S Andrews	X		
Cllr D Bradshaw	X		
Cllr I Cunningham	X		
Cllr S Ezra	X		
Cllr R Hawker		X	
Cllr D Jenkins	X		
Cllr G King	X		
Cllr Mrs C Mitchell	X		
Cllr F Morland		X	
Cllr M Sutton		X	
Cllr I Taylor	X		
Cllr D Tout		X	
Cllr P Wakeman		X	
Cllr D Windess		X	
Totals	8	6	

The motion was successful.

T.2923

WILTSHIRE COUNCILLORS' REPORTS.

Wiltshire Cllr R Hawker:

- Overweight lorries using restricted road in Westbury – to be referred to the next CATG meeting.
- Parking in Oldfield Park – due to cuts in funding, Wiltshire Council has put back this scheme, possibly until after the next election.

Wiltshire Cllr D Jenkins:

- Road safety, Station Road adjacent to Protyre – following a site meeting with Wiltshire Council, it was agreed to apply for a traffic order to install single line parking restriction from Oldfield Road roundabout to beyond Protyre on both sides of the road.
- HGV's using Station Road bridge – he will be looking into these matters.

Wiltshire Cllr G King:

- No audible alert at the traffic controlled lights, Warminster Road, adjacent to the Chalford House Hotel – the contractors, who installed these lights, will be looking at this shortly.
- Bratton Road – following a site meeting with Wiltshire Council, there are a number of schemes, which will be reported to CATG for support and possible funding. To report further.

T.2924

MINUTES OF COMMITTEES. The following Minutes were received and noted:

General Purposes Committee	-	05.08.13
Highways, Planning & Development Committee	-	15.07.13
Highways, Planning & Development Committee	-	05.08.13
Highways, Planning & Development Committee	-	19.08.13

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T.2925 MATTERS ARISING FROM THESE MINTES.

Concern was raised over matters that are being considered by Town Council and the Management Team, which could be dealt with by the General Purposes Committee. The Clerk to bear this in mind when setting agendas in future.

T.2926 NOTICE of MOTION received from the Management Team dated 15th July 2013.

Various matters raised by Mr & Mrs B Evans.

- a. **Prayers.** To recommend that Prayers continue to be said, but prior to the start of the meeting. Any member of the public or Town Council may wait outside until the meeting commences.

The Clerk explained the legal position with regard to prayers being said at the beginning of Town Council meetings.

It was **resolved** that prayers should be removed from the agenda, and an invitation be issued by the Mayor to attend a few minutes prior to start of the meeting to say a prayer should any Member or member of the public wish to attend.

- b. **Town Mayor & Chair of the Town Council.** That these two roles continue to be held by one elected member of the Town Council.

Approved.

- c. **Investment in overseas banks.** The Clerk reported that he had explained to Mr & Mrs Evans that the Town Council had never invested in Icelandic banks, and had closed its accounts with the Bank of Ireland promptly as soon as concerns began to be expressed about the banking sector. **Noted.**

- d. **Town Council Minutes of Part II decisions – Freedom of Information Act.** The Clerk clarified the legal position regarding the Freedom of Information Act, explaining which subject matters may go into Part II. **Noted.**

T.2927 NOTICE of MOTION received from The Laverton Institute Trust Management Working Group dated 23rd July 2013.

Hall floor buffer/polisher. As spares are no longer available for the old polisher, to recommend purchasing a new Nilfisk polisher (FM400 D dual speed polisher) at a cost of £670. Two further prices were obtained for similar polishers at £715 and £1,318.24.

Approved.

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T.2928 NOTICE of MOTION received from the Emergency Planning Group dated 25th July 2013.

Now that the Flood Working Group's remit has been expanded to cover emergency planning, the Emergency Planning Group reports to full Town Council instead of the Highways, Planning & Development Committee.

Approved.

T.2929 NOTICE of MOTION received from Cllr I Taylor dated 5th August 2013.

This Council wishes to thank Cllr Stephen Andrews for his leadership of the LITMC from 2009 to late 2011; his supervision of the successful refurbishment of the Hall, and his achievement in raising over £100,000 in grants towards the cost of the work entailed.

Following discussion, Cllr Taylor withdrew this Motion.

T.2930 NOTICE of MOTION received from the Play Areas Working Group dated 14th August 2013.

The Play Areas Working Group would like the Town Council to release £1,718.17 from the agreed £3,000.00 in the Capital Budget to enable the working group to install a 'Revolva' roundabout in the Timor Road play area, instead of the 'Buddy Board'. The extra cost of this is £10,061.90 ex VAT, but including base and installation. The balance of £8,343.73 will be met from Section 106 monies.

T.2931 NOTICE of MOTION received from the Management Team dated 19th August 2013.

Policies & Procedures. To approve the Draft Grants Policy as presented.

It was agreed to refer this draft policy to the Finance Committee for further consideration and return to Town Council for approval.

T.2932 REINSTATEMENT OF THE WAR MEMORIAL IN THE MARKET PLACE (T.2883). Approaches were made to the War Graves Commission and the War Memorials Trust, but no funding is available for new war memorials. Nick Johnson, the local monumental mason, has suggested refurbishing the Edward Street War Memorial, and it was agreed to refer this back to the General Purposes Committee to look into this further, and submit a budget bid for 2014-2015.

T.2933 INTERNAL AUDIT REPORT 2012-2013 (FINAL). The Internal Auditor's recommendations were noted.

T.2934 ANNUAL REPORT AND ACCOUNTS OF THE LAVERTON INSTITUTE. The report and accounts were noted and approved for submission to the Charity Commission.

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T.2935 COMMITTEE MEETINGS. The dates and times of the next Finance and General Purposes Committees were amended as follows:

- a. Finance Committee scheduled for the 9th September – changed to Monday, 7th October at 6.00 pm.
- b. General Purposes scheduled for the 30th September – changed to Monday, 7th October at 7.00 pm.

T.2936 CLERK’S CORRESPONDENCE/MATTERS:

- a. **Review of the Great Western Planned Rail Electrification (T.2889).** Reply from The Rt Hon Simon Burns MP, Minister of State for Transport. Noted.
- b. **Mr John Cox, Chairman, Wiltshire West District Scout Association (T.2837).** Invitation to the Jubilee Wood Scout Camp Site Open Days. Noted.
- c. **Pay Award.** To note the National Joint Council for Local Government Services (NJC) has confirmed that the Local Government Employers and trade unions have agreed a pay increase of 1% effective from 1st April 2013. Noted.
- d. **Funeral of Mr Richard Taylor, 68 (Westbury) Squadron Air Training Corps.** Members noted with sadness the death of Mr Richard Taylor, who had attended with the Air Cadets at many Town Council events.

T.2937 THE LAVERTON INSTITUTE TRUST MANAGEMENT WORKING GROUP. Cllr Bradshaw reported on the encouraging increase in visits to The Laverton website through Google, Town Council website and social media. The round banqueting tables are now in use, and the bar has been installed and is operational. July and August had been busy with events, and The Laverton is hosting various events, including the Westbury Music & Arts Festival, throughout September. Work on the boiler replacement is due to start in the middle of the month, and it is anticipated that this will be completed by the 18th October. Arrangements for The Laverton Institute and the Swimming Pool joint anniversary celebrations are well under way, and he thanked those who volunteered to dress up and take part.

T.2938 CCTV WORKING GROUP. Cllr Mrs Ezra reported that the new cameras have been installed, and the new lighting pole has been erected outside the Methodist Church. Unfortunately, planning permission is still awaited for the installation of a pole in Grassacres Park to enable the park to be covered by CCTV.

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T.2939 **COMMUNICATIONS BY THE TOWN MAYOR.** Cllr Windess reported on his recent charity karting event at Castle Combe and his forthcoming charity auction dinner on the 18th October.

T.2940 **ACCOUNTS**

Payment of Accounts. On report by the Clerk and Responsible Financial Officer, it was **resolved** to approve the List of Payments made since the last meeting, or to be made, and to confirm the action of the Clerk, the Mayor and one other member in signing the necessary orders for payment and Bank Transfers as follows:

05.08.2013	-	£15,889.08
02.09.2013	-	£33,926.27

T.2941 It was agreed not to suspend Standing Orders.

T.2942 **NOTICE of MOTION received from the CCTV Working Group dated 23rd August 2013.**

- a. **BT Redcare/Digivision – connection of new cameras.** That Westbury Town Council agrees that Digivision should carry out the final connections to the cameras in Station Road, Grassacres Park and The Market Place for the price of £3,460 plus VAT.
- b. **Maintenance Agreement.** That Westbury Town Council enters a three year maintenance contract with Digivision at £2,680 plus VAT per annum. This will provide four visits per annum (including Hydraulic Access).

24 hour service/repair call-out £90 plus VAT (first hour on site)
additional hours £60 plus VAT.

Any Hydraulic Access Hire £280 plus VAT (outside four annual visits).

Approved.

9.35 pm

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additional hours £60 plus VAT.

Any Hydraulic Access Hire £280 plus VAT (outside four annual visits).

Approved.

9.35 pm

**Signed on behalf of the meeting
this fourth day of November 2013**

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Chairman

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