

Highworth



Town Council

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Town Clerk Mr D C Lane

1.

MINUTES ANNUAL MEETING HIGHWORTH TOWN COUNCIL 14 May 2019

PRESENT

Councillor (Mrs) J H Bishop (In the Chair for the start of the meeting)

Councillors:

- A Bishop
- G Evans
- N Gardiner
- (Mrs) J Murphy
- P Newton-Smith
- (Mrs) M Penny
- K Saunders
- K Smith
- (Mrs) L Vardy
- (Mrs) P Webster
- S Weisinger
- R Williams
- S Wolfensohn

IN ATTENDANCE

12 Members of the Public and 1 Member of the Press



Highworth is a Fair Trade Town



Twinned with Wassenberg



Twinned with Pontorson

VERBATIM STATEMENT BY TOWN CLERK

CONDUCT OF MEETING ANNUAL COUNCIL 14 MAY 2019

None of us can be unaware of what has happened at the Election. I would like to say a few words about this and how it affects this Council before we start the Meeting.

By law you have been elected as Councillors and this cannot be changed unless and until there has been permission from the High Court for a re-count, you are all lawfully Councillors.

In spite of all that has been going on in Social Media etc., I want you all to know that none of this is, in any way, your fault and you should not be looking to accept the blame. You conducted your Election campaigns, all of you, in a proper manner. You should not be pointing the finger at one another, the fault lies with Swindon Electoral Services and if you are unhappy, then you should be unhappy with Swindon Electoral Services alone.

As a Clerk, it is my job to keep Highworth Town Council and its Councillors isolated from any Election. Highworth Town Council and Council Meetings is not the place to discuss this. If you want to discuss it arrange meetings among yourselves, but do not bring it to Council Meetings.

You stand elected to help run the business of the town. The people who voted did so with the expectation that they would have a Town Council that would represent their interests. We have a Town Council. Council Meetings are not for Councillors to pursue personal, party or factional agendas, you have a duty to represent the interests of the people of Highworth and you will be judged on this.

NOMINATIONS FOR CHAIRMAN/MAYOR

1.
 - a. Resolved by Councillor K Smith and seconded by Councillor P Newton-Smith that the Mayor and Chairman be separate people. Voting was 6 in favour, 6 against and 2 abstentions. The Chairman had the casting vote and voted against. The Resolution was not carried.
 - b. Resolved by Councillor K Smith and seconded by Councillor R Williams that Councillor P Newton-Smith be appointed as Mayor/ Chairman. Voting was 5 in favour, 9 against. The Resolution was not carried.
 - c. Resolved by Councillor (Mrs) L Vardy and seconded by Councillor (Mrs) P Webster that Councillor (Mrs) J Bishop be appointed as Mayor/Chairman. Carried unanimously and Councillor (Mrs) J Bishop duly took the Chair.

CHAIRMAN'S DECLARATION

2.
 - a. Councillor (Mrs) J Bishop read and signed the Declaration of Office.
 - b. Councillor (Mrs) J Bishop, Mayor of Highworth announced she raised a total of £7688.73 for her chosen charity Alzheimer's in the year 2018/2019.

APOLOGIES

3. Councillor G Olley

ELECTION OF VICE-CHAIRMAN/DEPUTY MAYOR

4. a. Resolved by Councillor R Williams and seconded by Councillor P Newton-Smith that Councillor K Smith be appointed as Deputy Mayor/ Deputy Chairman. Voting was 7 in favour, 7 against, the Chairman had the casting vote and voted against. The Resolution was not carried.
- b. Resolved by Councillor (Mrs) P Webster and seconded by Councillor (Mrs) J Bishop that Councillor (Mrs) L Vardy be appointed as Deputy Mayor/ Deputy Chairman. Voting was 7 in favour, 7 against, the Chairman had the casting vote and voted in favour and Councillor (Mrs) L Vardy was duly appointed Deputy Mayor/Deputy Chairman.

MINUTES OF MEETING

5. **RESOLVED TO CONFIRM AND SIGN THE MINUTES OF THE FULL COUNCIL MEETING 19 MARCH 2019.**

MATTERS ARISING

6. a. Minute 93. Six further functions have been attended by the Mayor.
- b. Minute 89. an order requiring the ATC Squadron to vacate the premises at Newburgh Place is yet to be issued and enquires by the Squadron into a new location are still on-going.

APPOINTMENT OF REPRESENTATIVES TO ORGANISATIONS

- | | | |
|----|--|-----------------------|
| 7. | Highworth Twinning Association (HTA) | Councillor R Williams |
| | Highworth Community Partnership Group (HCPG) | Councillor N Gardiner |
| | Highworth Action For Fair Trade (HAFFT) | Councillor K Smith |

Resolved by Councillor A Bishop and seconded by Councillor S Weisinger that the above appointments be made. Carried unanimously and the appointments duly confirmed.

CORRESPONDENCE

8. None.

INDUCTION TRAINING FOR COUNCILLORS

9. The Clerk carried out training for Councillors. The training notes are below:

a. What does it mean to be a Councillor?

You are a member of a 15-man Council and as such you carry out your duties through that body by consensus. You do not have a single voice, nor do you have any powers to act on behalf of the Council individually.

b. How do you carry out those duties?

You attend Council Meetings where you debate, openly and publicly the issues that are on the agenda. Where the issue calls for a decision you all decide collectively, by vote or otherwise, and the Councillors will abide by the majority decision. If there is a split vote, the Chairman of the meeting will have the casting vote. Once a decision has been made, all Councillors are to respect that decision and support it thoroughly.

c. Where are your duties and the rules governing duties and conduct laid down?

All Councillors are given a copy of "Standing Orders and the rules of Chairmanship" and a copy of the "Councillors' Code of Conduct". The Clerk holds a copy of the Town/Parish Councils' Bible "Arnold Baker on Local Council Administration". This Bible is my 'Queen's Regs.' and is a supplement to the various "Local Government Acts" and all the other Acts that a Town/Parish Council must, by law, conduct its business. It is the Clerk's duty to ensure that the Council and Councillors act within the law.

d. How does this Council carry out its business?

The Highworth Town Council (HTC) does not operate under a Committee system. All Councillors are members of all three divisions of HTC's Governance:

Planning
 Environment and Leisure (E&L)
 General Purpose and Finance (GP&F)

During the months of January to March, June to July and September to December the Council meets, generally on the first and third Tuesday of every month. First Tuesday is Planning and E&L, third Tuesday is GP&F and Full Council. In May there are two meetings, the Annual Assembly (Councillors report on the activities of the Council for the past year) and the Annual Council (very much like an AGM where the Mayor/Chairman and the Deputy Mayor/Deputy Chairman are elected along with any Councillor representatives are appointed). The Chairman and Vice Chairman of Planning, E&L and GP&F are elected at their first meeting of the new Council year. Councillors should commit to attending as many of these meeting as they can. If any Councillor fails to attend any meetings in a six-month period, that Councillor is automatically terminated as a Councillor.

e. What is the Function of the Clerk?

The title of Clerk is an ancient and honourable title and in a town the Clerk is known as “the Town Clerk”. The Clerk is known as the Proper Officer and is the only person permitted to carry out the business of the Council. Every Council must appoint a Clerk and Meetings of the Council may not take place without him (or one of his Deputy Clerks) being present, where among other duties, he is tasked with taking the Minutes of each Meeting. These Minutes are his Minutes and form the basis of a legal document. Councillors may only amend these Minutes by way of a Resolution, to be passed with a majority of those present, at the next Meeting of the Council.

f. Who runs the Office and the Staff?

The Clerk is responsible for the provision of all the services of the Council. The staff is employed by him and works directly for him. To aid in the recruitment of staff and deciding upon the manning levels required, he is assisted by a Staffing Committee. This Committee will meet at least once per year and other meetings will take place when there is either a staff issue, additional manning is to be considered or when a new member of staff is to be recruited. In the circumstance that a new Clerk is to be recruited, the whole Council will take part in the decision and will decide on the process of how that Clerk is to be recruited, interviewed and selected. Individual Councillors do not have any supervisory authority over any Member of Staff and may only exercise any authority by the democratic process at a Meeting by summoning the Clerk where a majority decision will be arrived at.

g. Who is responsible for managing the Council’s money and keeping the accounts?

The Clerk is also what is known as “the Responsible Financial Officer” and is wholly responsible for managing all the Council’s finances. He is required to keep proper accounts which are audited twice yearly by an Internal Auditor and once per year by an External Auditor. The Internal Auditor is currently a Company called “Audit Solutions” and is selected democratically annually by the Councillors at a Meeting. The External Auditor is appointed by the Government and can change year by year.

h. What involvement do Councillors have with the Council’s finances?

Councillors are required to set an Annual Budget and Precept Demand, usually at a November Meeting every year. Generally, the Clerk will present his budget, based on what he thinks he will need to produce all the services etc. that the Council expects of him. The Councillors will then decide on what money they as Councillors might need for future projects. When all this is decided, a Precept Demand will be agreed and submitted to Swindon Borough Council (SBC) the following financial year commencing 1 April. The Clerk will authorise expenditure within the agreed budget and that expenditure will be presented to Councillors at the next GP&F Meeting. If any expenditure does not fall within the agreed budget, the Clerk will seek the agreement of Councillors at a Meeting. There are transparency rules the Clerk, on behalf of the Council, is required to follow. Councillors are warned not to “make promises” regarding Council finances or authorise any expenditure in any way. This will result in that Councillor being liable to pay or refund that expenditure.

i. What is the relationship between the Councillors and the Clerk?

The Councillors are the decision makers and set the policies, the priorities and the aims of the Council. Councillors do this at meetings which are open to the public and, apart from special reasons, must be transparent and open to public scrutiny. Any decisions or outcomes must be decided by a majority of those present at the Meeting and the resultant decisions are binding on all Councillors. The Clerk is totally non-political and may not interfere in or take part in these debates, other than when called upon for advice or the need to point out any contraventions of the law. Similarly, Councillors must not interfere in the Clerk's running of his administration or office. If Councillors are concerned about any type of irregularity. They must put this concern on an agenda for debate.

j. What is the relationship between HTC and Swindon Borough Council (SBC)?

HTC is a completely independent Council to SBC which has no authority over HTC. The only area where there is an overlap is that the Borough Monitoring Officer does monitor and adjudicate on reported Councillor misconduct, under the Code of Conduct for Local Councillors. However, the infringements must be reported directly to that Officer either by a fellow Town Councillor or a resident. He cannot personally initiate investigations other than through legitimate complaints.

Borough Councillors may also be Town Councillors and, when this happens, they decide how they divide their loyalties and priorities.

k. Who is responsible for what - SBC?

SBC is a Unitary Authority and "owns" much of the infrastructure in the Borough in which Highworth is situated. The roads, the schools, the Social Housing stock all come within the responsibility of SBC. The Borough also owns large tracts of land, such as Pentylands fields (often claimed to be Pentylands Country Park), the Golf Course and land which it leases to HTC, such as the Lower Rec field, the allotments close to the Golf Course, Barra Close field, Crane Furlong Park and the Town Gardens. SBC is a Planning Authority and, as such, employs Planning Officers to manage applications and development throughout the Borough, which includes Highworth. SBC is also responsible for all street cleaning services which includes cleanliness of all roads and footpaths, grass cutting of all open areas, tree maintenance, hedges maintenance and dustbin collections. However, the cleanliness of pavements and footpaths, shrub maintenance and grass cutting of open areas has been passed to Highworth under a contract.

l. Who is responsible for what - HTC?

HTC is a Town Council, and as such is responsible for a limited number of functions, all laid down in various Local Government Acts. HTC does not have any By-Laws in place, so the first thing to note is that HTC does not have any powers to enforce anything. HTC does own or lease numerous areas which it has to maintain:

- These areas include the Upper Rec (owned), the Lower Rec (leased), Allotments adjoining Swindon Road (owned), Allotments adjoining Golf Course (leased), Allotments Park Avenue (privately rented), Town Gardens in Swindon Street (leased), Market Place (owned) Brewery Street Old Library Car Park and Toilet Block (owned), Cemetery (owned), Barra Close field (leased), Crane Furlong Park (leased) and Northview open space (owned).
- HTC also owns outright the Council Offices in Gilbert's Lane, the Pavilion at The Elms and the Chapel at the Cemetery.

HTC has a right to see and comment on all planning applications which fall within its Parish Boundary. HTC is also responsible for, under contract, the cleaning of all pavements and footpaths within the Town,

The grass cutting of all open spaces for which SBC holds the responsibility, shrub maintenance and the disposal; of minor fly tipping.

Councillors will be approached by residents on many subjects and should be familiar as to what is a HTC responsibility and which should be referred to a Borough Councillor.

m. What am I, as Clerk, hoping from this Council?

I have experienced many Councils over the past 25 years. When I took over, it was at the tail end of what had been a run of politically divided Councillors, divided along national party lines, or so I have been led to believe. In my time here I have not witnessed any decisions being made along party lines. I can honestly say that every issue has been approached along the lines of "what do I believe is in the best interests of Highworth?". There have been divisions and disagreements over the years, but the debate has never been along party predetermination. Many times, members of the same party have chosen not to agree. I am hoping for the following:

- Councillors put HIGHWORTH at the top of their agenda.
- Councillors attend as many Meetings as is possible.
- Councillors respect the institution of Highworth Town Council and conduct themselves in a well-mannered fashion, accept that not everyone will agree on anything, but accept that the democratic way forward is to debate issues. Recognising that in a democratic forum the majority decision will prevail.
- Councillors will come to Meetings prepared to speak knowledgeably and eloquently and carry out whatever research they need to.
- Councillors attend Meetings with an open mind and not take a pre-determined stance right from the offset.
- Councillors respect the Chair at all Meetings and comply with our Standing Orders.

- Councillors recognise and respect the division between what is the Councillors' role and what is my role as Clerk.

n. What do I, as Clerk, hope not to see?

- I hope not to see factional infighting and personal animosities. This would be disrespectful to the people of Highworth who elected you.
- I hope not to witness intimidatory tactics and aggressiveness in debates. Bullying or attempted bullying is endemic in some Councils and never ends well.
- I hope not to witness abusiveness, intemperate language or emotional outbreaks in the Council Chamber. All Meetings are held in Public and it is important to me that this Council and its Councillors are admired and respected by the Public.
- I do not expect to see my advice ignored or challenged. If Councillors, by a majority, choose to go against my advice I will ensure that this is Minuted and ensure that Councillors are held responsible for their decision (Councillors may wish to consider in those Minutes naming those who chose to ignore the advice).
- I do hope not to see Councillors trying to conduct Council business through E-Mails, telephone calls or other means as an attempt to decide issues by avoiding debate in the Council Chamber. This Council, indeed, as all Parish and Town Councils, is expected to carry out business in front of the Public, at meetings with the utmost transparency. To avoid doing this, smacks of secrecy and predetermination, both of which are a big transgression in the field of Local Government.
- I fervently hope not to see Councillors avoiding the conditions laid down in the Code of Conduct, particularly when it comes to Interest. It must be obvious to the Public that when making decisions or comments, all Councillors are doing so as a Councillor and not to support self, friends, family or any external organisation of which they may be an Officer or Member. The pursuit of any personal or organisational interests through the Council is deemed to be corruption and is dealt with through the Criminal Legal System.

COUNCILLORS WERE ALL GIVEN A COPY OF THESE NOTES AT THE END OF THE MEETING

Meeting Closed 7:48pm