

Malmesbury Town Council

Town Hall
Malmesbury
Wiltshire
SN16 9BZ
2nd December 2008.

You are summoned to a Meeting of the Policy and Resources Committee to be held on Tuesday 9th December 2008 in the Malting Hall, Town Hall, Malmesbury, commencing at 7pm.

J Penfold
Town Clerk

Cllr. W G Blake
Cllr. P J Goldstone
Cllr. M Snell

Cllr. J Bowen
Cllr J R Lawton
Cllr. C Vernon (Chair)

Cllr. S Killane
Cllr. R F Sanderson

A G E N D A

1. Apologies.
2. Public Question Time.
3. To receive declarations of interest in accordance with the Local Councils (Model Code of Conduct) Order 2007.
4. To receive, and adopt the minutes from the meeting held on 7th October 2008.
5. To receive a report on the income and expenditure of the Town Council for the months April to November 2008 attached as Report No.1.
6. To consider proposals for the review of the Service Level Agreement with the Joint Burial Committee, attached as Report No.2.
7. To consider the draft budget for the financial year 2009/10, attached as Report No.3.
8. To consider a report on the Freedom of Information Act, attached as Report No.4
9. To consider priorities for inclusion in the Community Plan, attached as Report No.5
10. To consider the closure of the offices over the Christmas Period, attached as Report No.6
11. To consider the exclusion of the press and public for the next item of business on the grounds that it contains commercially sensitive information.
12. To consider action to be taken following non-payment of a fee for hiring the Town Hall, details attached in Report No.7

Service Level Agreement with Joint Burial

3. Background

- 3.1 The three year Service Level Agreement with the Joint Burial Committee in respect of the maintenance of the Tetbury Hill Cemetery and associated administration of the service ends on the 31st March 2009 and the Policy and Resources Committee is invited to consider the new charges to be collected if the agreement is to be renewed.
- 3.2 The agreement is between Malmesbury Town Council and Malmesbury St Paul Without Parish Council and may be continued with mutual agreement or terminated by either side subject to a written notice of a minimum of six months.
- 3.3 The current annual charge recovered from the Joint Burial Committee is £8,262.00.

4. Proposal

- 4.1 The cost of the service is split between the two partners using a previously agreed formula with Malmesbury Town Council paying the larger proportion.
- 4.2 The current service charge does not cover the costs incurred by Malmesbury Town Council in the performance of the service.
- 4.3 The anticipated costs to Malmesbury Town Council for 2009 are set out below and are based on a potential 2% pay increase for 2009/2010:

Groundsman	£7,950
Administration support	£2,875
Opening and closing of facilities	£ 360
Workstation, telephone, etc.	£ 350
Licence fee (proportion)	£ 30
Supervision	£ 750
Storage of documents	£ 50
Total	£12,365

- 4.4 The existing agreement increased the service charge of £8,022 annually by an assumed GDP factor of 3%.
- 2.5 The formula in paragraph 2.4 did not take into account the revaluation of the superannuation fund and subsequent increased payments by the employer and would not reflect any increase in labour costs following the outstanding job evaluation process.
- 2.6 It is proposed that any renewed Service Level Agreement should included a revaluation factor based upon RPI at 31st October each year for all elements of the charge except for wage rates which would be at actual cost.

5. Financial Implications

- 5.1 The costs to the Malmesbury Town Council are set out in paragraph 2.3 and any lower amount recovered from the Joint Burial Committee for performing this service will need to be included in the precept raised by the Town Council.
- 5.2 The comments of the Joint Burial Committee will, if available, be reported at the meeting.

6. Recommendation

- 4.1 The instructions of the Policy and Resources Committee are requested

Jeff Penfold
Town Clerk
1st December 2008.

Report No.3.

Report to Policy &Resources Committee 9th December 2008.

Draft Budget Proposals for 2009/10

1. Purpose of the report
 - 1.1 The Committee is requested to consider the attached draft budget proposal included as Appendix A to this report. It incorporates the requests made by standing committees and is compiled on the assumption that the proposals for the revised Service Level cost with the Joint Burial Committee is agreed.
2. Explanation
 - 2.1 In general terms the budget has been compiled using the base data included in the budget for the current year with adjustments for forthcoming inflation and known increases in expenditure previously reported to the committee.
 - 2.2 The total salary budget, with the exception of those employees whose duties are directly related to operation of the Town Hall, is shown under the Policy & Resources Committee in an attempt to simplify the presentation.
3. Budget Pressures
 - 3.1 The known or anticipated budget pressures for next year were previously reported to committee and have been factored into the draft budget for 2009/10.
 - 3.2 An assumption has been made that recharges or grants received from North Wiltshire District Council will continue next year unless information has been received to the contrary.
4. Comment
 - 4.1 Last year there was a confirmed increase on the tax base of 1857 band D equivalents to a revised figure of 1901.
5. Growth Bids
 - 5.1 All requests received from standing committees have been included within the spreadsheets. The committees have recognised the necessity of reducing expenditure wherever possible and have restricted requirements on the understanding that this committee will recommend that unspent budget items will be carried forward into next financial year
 - 5.2 Much of the office furniture was replaced in order to comply with the requirements of Health and Safety but some additional items are still required.
 - 5.3 The telephony and computer systems were obsolete and were replaced on a leasing scheme, payable on a quarterly basis. The computer support was prohibitively expensive through the equipment supplier and an agreement has been reached with a local company.

- 5.4 The total expenditure, if the draft budget were accepted, would require £316,057 to be funded through the precept, the majority of reserves already having been allocated towards the costs of the Town Hall Project. The approximate precept for a band D property would rise from £158 to £166.26 an increase of £8.25 or approximately 5.2%.
- 5.5 The payments from North Wiltshire District Council cease at the end of the current financial year although confirmation has yet to be received about the Information service level agreement and the street cleansing payment
- 5.6 The national pay award at 2.45% was below the anticipated 3% but the employer's contribution to the pension fund increased last year.
- 5.7 The deficit payment in respect of the Town Hall includes the assumption that a tenant will be found for the commercial space and that the museum pays for the rental and service charge, the free period ending on the 31st March 2009.

6 Financial Implications

This is a financial report with all relevant information contained therein.

7 Recommendation and Conclusion

Members are requested to consider the information presented within the draft budget and determine the recommendation to be made to Council for adoption of the final budget proposals for 2009/10.

Freedom of Information Act

1. Background

- 1.1 Under the Freedom of Information Act it is the duty of every public authority to adopt and maintain a publication scheme.
- 1.2 The Information Commissioner's Office is changing the emphasis in the approval and operation of publication schemes to a generic model which is to be adopted and operated by all public authorities with effect from 1st January 2009.
- 1.3 The generic scheme details are provided below and it is anticipated that the Town Council will list all of the information currently available, the method by which this may be accessed and any associated costs.

2. Proposal

- 2.1 The Town Clerk is currently compiling a list of the information to be placed in the scheme but it is first necessary for the Town Council to agree to the adoption of the generic scheme.
- 2.2 The model publication scheme is provided for parish, town and community councils (known collectively as 'local councils') in England and Wales.
- 2.3 The purpose of the scheme is to be a means by which local councils can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local councils to publish more information proactively and to develop a greater culture of openness and transparency.
- 2.4 In accordance with the provisions of the Freedom of Information Act 2000 the scheme specifies the classes of information which local councils publish or intend to publish. Bearing in mind local councils are so diverse in size and functions it was decided the most practical approach was that the model scheme should firstly be comprised of a number of core classes of information which are mandatory.
- 2.5 However, it also includes a number of optional documents (within those core classes) as well as a group of totally 'new' optional classes. Any optional documents within a core class of information are clearly specified therein. The idea behind such an approach is that councils can incorporate the optional documents and classes as they see fit to reflect the information they provide to the general public on a local basis. It is not however, a prerequisite that a council adopts any of the optional documents or classes. The intention behind the inclusion of optional classes and documents is to add a degree of choice and flexibility in the scheme.
- 2.6 In some cases a class of information sets out a range of information which is excluded from publication. Where that is the case the reasons behind the decision to exclude are clearly stated. Excluded throughout the model scheme is general

correspondence sent or received by councils and all information relating to private individuals by virtue of it being personal data under the Data Protection Act 1998.

- 2.7 In certain classes a limitation on the age of some documents has also been stipulated. For the avoidance of doubt this does not mean information beyond that date cannot be obtained, it simply indicates that it is not available as a matter of course within the model publication scheme. If original documents are more readily available from another source, details of that organisation are again specified in the scheme.
- 2.8 The information contained in each class will be available in a variety of formats namely in hard copy on request from the clerk of the council, by inspection at the council office or other suitable premises by prior appointment or, where a council has a website some of the information may be available thereon.
- 2.9 Reasonable charges may be raised for the provision of copies of the documents/information listed in each of the classes but should not normally include staff time in finding the information.

3. Information for inclusion in the Scheme

3.1 The following are classified as Core Classes of Information

3.1.1 **COUNCIL INTERNAL PRACTICE AND PROCEDURE**

- Minutes of council, committee and sub-committee meetings – limited to the last 2 years.
- Procedural Standing Orders
- Councils Annual Report to Parish Meeting

Optional documents: -

- Agendas and supporting papers for council, committee and sub-committee meetings-limited in each case to the forthcoming/immediate meeting.
- Terms of Reference for Committees

3.1.2 **CODE OF CONDUCT**

- Members Declaration of Acceptance of Office
- Members Register of Interests
- Register of Members Interests Book

3.1.3 **PERIODIC ELECTORAL REVIEW**

- This is information concerning changes to the electoral arrangements for parish, town and community councils. It includes recommendations for the creation of new wards, the amendment of existing wards, proposals for the names of new wards and alterations to the number of councillors to be elected to the council.
- Information relating to the last Periodic Electoral Review of the council area
- Information relating to the latest boundary review of the council area

3.1.4 **EMPLOYMENT PRACTICE AND PROCEDURE**

- Terms & conditions of employment
- Job descriptions

Optional documents: -

- Equal Opportunities Policy
- Health & Safety Policy
- Staffing Structure

Note the Exclusions – ‘personal records’ i.e. appraisals, employee specific salary details, disciplinary records, sickness records and the like by virtue of being personal data under the Data Protection Act 1998.

3.1.5 PLANNING DOCUMENTS

- Responses to planning applications

Optional documents: -

- Parish Plan
Note the Exclusions – Copies of planning consultations, the Development Plan, Structure Plan, Local Plan and Rights of Way/Footpath maps all of which are available from the local planning and/or highway authority respectively

3.1.5 AUDIT AND ACCOUNTS

- Annual return form – limited to the last financial year
- Annual Statutory report by auditor (internal and external) – limited to the last financial year
- Receipt/Payment books, Receipt books of all kinds, Bank Statements from all accounts – limited to the last financial year
- Precept request – limited to the last financial year
- VAT records – limited to the last financial year
- Financial Standing Orders and Regulations
- Assets register – this will include details of commons/village greens owned by the council including management schemes for commons as well as village halls, community centres and recreation grounds.
- Risk Assessments

Optional documents: -

- Loan sanction approvals
- Fees and charges applied by the council
- Safety inspection records for example for playgrounds
- Register/file of members allowances
Note the Exclusions – all commercially sensitive information e.g. quotations and tenders, loan documentation and insurance policies. With regard to quotations and tenders, this information is treated as confidential to ensure that the whole tender process is fair i.e. if tender information is released to a third party prior to the end of the tender period those who initially submitted tenders could be undercut and/or unfairly disadvantaged.

3.2 The following are classified as Optional Classes of Information

3.2.1 DEVELOPMENT AND IMPLEMENTATION OF POLICY

- Policy Statements issued by council
- Responses made by council to consultation papers
- Analysis of responses received to public consultations by the council
- Village Appraisal
- Complaints handling procedure

3.2.2 **BYELAWS**

- Made for any of the following purposes: -
- The regulation of a mortuary and post mortem room
- The regulation of a pleasure ground or public space
- The regulation of an open space or burial ground
- The regulation of any baths, swimming pool, bathing place or wash-house
- The regulation of the hiring of pleasure boats in a park or pleasure ground provided by a council
- To control dogs and dog fouling

3.2.3 **COUNCIL CIRCULARS/NEWSLETTERS**

- Town, parish, community guide
- History of town, parish or community (or similar commissioned publication)

3.2.4 **ARTS, ENTERTAINMENT & TOURIST INFORMATION –**

This relates only to information produced by the council.

3.2.5 **ALLOTMENTS**

- Plans
- Standard tenancy Agreements
Note the Exclusions – individual tenancy agreements and rent payment records under both privacy and data protection laws

3.2.6 **BURIAL GROUNDS**

- Plans
- General policies
Note the Exclusions – all documentation relating to individual applications and registrations under both privacy and data protection laws

4. Financial Implications

- 4.1 The preparation, adoption and publishing of the scheme is a statutory requirement and the actions must be undertaken by the Town Council.
- 4.2 The generic scheme does make allowances to charge for the supply of information but this is recommended to be limited to the cost of photocopying, postage etc.
- 4.3 Until such time as the scheme is operational and requests for information have been made it is difficult to predict the financial impact.

5. Recommendation

5.1 The Committee is recommended to

- (a) adopt the generic scheme without delay and for the initial period restrict the information to be covered by the scheme to the core documents within the core classes. Once the scheme has been tested then the committee may wish to extend the classes of information to be included; and
- (b) restrict any charges to be made for information to the cost of postage incurred and photocopying at a rate of 10p per sheet.

Jeff Penfold
Town Clerk
3rd December 2008.

Malmesbury and Villages Community Plan

1. Background

1.1 In preparation for the one Council for Wiltshire in April 2009, the Malmesbury and Villages Community Partnership is coordination information to assist in the preparation of a new community plan for 2009 until 2013.

1.2 The community plan is aimed at capturing the needs and aspirations of the whole community.

1.3 Questionnaires have been made available to local residents and a box has been placed in the Tourist Information Centre for their return

2. Proposal

2.1 It has been suggested that the Town Council may wish to submit suggested areas of priority to which the Area Boards may be requested to direct resources where they are most needed by the community.

2.2 The priorities do not need to be restricted to the services falling under the direct responsibility of the new council as the Area Boards will contain representatives from other service providers.

2.3 Suggested priorities received to date are as follows:

1. Completion of Town Hall refurbishment
2. Repainting of the railings near the Town Bridge
3. Greater attention to potholes in the roads and resurfacing of the High Street
4. Extension of the Tetbury Hill Cemetery
5. Extra land identified for use as allotments
6. Regular availability of X-ray facility at the Health Care Centre
7. Closer involvement between M&CVP and the Town Council
8. Improved usage of the town bus service.

3. Financial Implications

3.1 There are no direct financial implications at this stage.

4. Recommendation

4.1 The instructions of the Policy and Resources Committee are requested.

Report No.6

Report to Policy & Resources Committee 9th December 2008.

Christmas Opening Times

1. Background

- 1.1 Christmas day falls on a Thursday this year, resulting in the offices being closed on Thursday and Friday, re-opening on Monday 28th December.
- 1.2 It has been the usual custom for the offices to close at 1.00pm on the 24th December in line with the District and County Councils

2. Proposal

- 2.1 This year both the North Wiltshire District Council and the Wiltshire County Council will close their offices at 5.00pm on the 23rd December, reopening on the 28th December.
- 2.2 The Town Council are not tied to any local agreement impacting upon the other tiers of local government but it has been the custom to replicate what happens elsewhere.
- 2.3 It is therefore proposed that the Town Council offices close at 5.00pm on the Wednesday 23rd December and re-open on Monday 28th December.
- 2.4 The Athelstan Museum will close on Sunday 21st December and not re-open until the 2nd of January

3. Financial Implications

- 3.1 There are no direct costs to the Town Council by closing on the 23rd December.

4. Recommendation

- 4.1 The instructions of the Policy and Resources Committee are requested

Jeff Penfold
Town Clerk
1st December 2008.