

# MALMESBURY TOWN COUNCIL

Town Hall  
Malmesbury,  
Wiltshire  
25<sup>th</sup> June 2007

## LOCAL GOVERNMENT ACT 1972

You are summoned to a Meeting of the Council to be held in the Council Chamber, Malmesbury Town Hall on Tuesday, 10<sup>th</sup> July 2007, commencing at 7.00pm.

J Penfold  
Town Clerk

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### To all members of Council

Cllr W G Blake  
Cllr Mrs A L Davis  
Cllr Mrs C C Doody  
Cllr J R Lawton  
Cllr R F Sanderson  
Cllr A C R Woodcock

Cllr J A Bowen  
Cllr Miss E A Davis  
Cllr P J Goldstone  
Cllr M J Thomas  
Cllr M H Snell

Cllr S Cox  
Cllr B E Denley  
Cllr S Killane  
Cllr J E F Poole  
Cllr C M Vernon

## A G E N D A

### Prayers

### Mayoral Announcements

### Public Question Time

1. Apologies.
2. To receive Declarations of Interest in accordance with the Local Councils (Model Code of Conduct) order 2001.
3. To receive and adopt the Minutes of the Annual Town Meeting (Mayor Making) held on 15<sup>th</sup> May 2007.
4. To receive, adopt and **check progress on the action points** for the Minutes of the Council Meeting held on 22<sup>nd</sup> May 2007.
5. To receive and adopt the Minutes of the Planning and Environmental Issues Committee held on the 17<sup>th</sup> May, 29<sup>th</sup> May and 19<sup>th</sup> June 2007.

6. To receive and adopt the Minutes of the Leisure and Youth Committee held on the 22<sup>nd</sup> May, 24<sup>th</sup> May and 28<sup>th</sup> June 2007.
7. To receive and adopt the Minutes of the Policy and Resources Committee held on 22<sup>nd</sup> May and 5<sup>th</sup> June 2007, and consider the recommendations.
8. To receive and adopt the Minutes of the Town Promotion and Tourism Committee held on 22<sup>nd</sup> May and 14<sup>th</sup> June 2007.
9. To receive a report from the Chairman of the Accounts Sub Committee following examination of the cheques.
10. To consider a report from the Town Clerk recommending adoption of the Revised Model Code of Conduct 2007, attached as Report No.1.
11. To consider a report on Fair Trade Status for Malmesbury attached as Report No.2.
12. To consider the adoption of a Smokefree Policy as outlined in attached Report No.3
13. To consider a report from the Chair of the Town Hall Project Board
14. To receive reports from representatives on outside bodies
15. To consider any items of Correspondence
16. Public Question Time

Matters outside the scope of this particular Meeting which a member of the public wishes to ask should be placed - in writing - to the Town Clerk at least 3 days prior to this Meeting in order for a full response to be made available.

## Report No. 1.

### Report to Town Council 10<sup>th</sup> July 2007.

#### Revised Model Code of Conduct

##### 1. Background

- 1.1 The Town and Parish Councils Code of Conduct was introduced in 2001 and subsequently adopted by Malmesbury Town Council. Since that time all councillors have been required to declare that they will abide by that code.
- 1.2 That code of conduct has now been superseded by the Local Authorities (Model Code of Conduct) Order 2007, which came into force on the 3<sup>rd</sup> May 2007.
- 1.3 The new code of conduct will consolidate and replace the separate model codes of conduct for different authorities.
- 1.4 Local authorities will have until the 1<sup>st</sup> October to adopt the code by resolution of Council and after that date it will apply automatically.

##### 2. Proposal

- 2.1 Town Councillors were provided with a copy of the new code immediately after the election and before they were requested to sign the relevant declaration of office. A further copy is attached to this report as Appendix A. In addition a briefing note issued by the National Association of Local Councils is attached as Appendix B.
- 2.2 Paragraphs 10(2)(c)(i) and (ii); 11 and 12(2) of the code are not mandatory for Town and Parish Councils.
- 2.3 Whilst not mandatory, it is felt that in the spirit of open government paragraph 12(2) should be adopted by the Town Council. The content of paragraphs 10(2)(c)(i) and (ii) is of no direct relevance to Town Councils and have marginal significance. However, the pragmatic approach might be to adopt the entire code especially if other duties are to be passed to local councils.

##### 3. Financial Implications

There are no direct financial implications in adopting the Revised Model Code of Conduct

##### 4. Recommendation

The Town Council is recommended to adopt the Revised Code of Conduct, including paragraphs 10(2)(c)(i) and (ii); 11 and 12(2)

Jeff Penfold  
Town Clerk  
18.06.2007

Report No. 2.

Report to Town Council 10<sup>th</sup> July 2007.

Fair Trade Status for Malmesbury

1. Background

- 1.1 The purpose of a Fairtrade Town is to contribute to the aim of tackling poverty by enabling disadvantaged producers from poor countries to receive a better, fairer deal through encouragement and support for the Fairtrade Mark.
- 1.2 Fair trade was identified as a key issue by Wiltshire Agenda 21 over ten years ago and led to the formation of the Wiltshire Fairtrade Coalition

2. Proposal

- 2.1 To achieve the status of Fairtrade Town the following five goals must be realised:-
  - i) The Town Council passes a resolution supporting Fair-trade, and agrees to serve Fair-trade tea and coffee at its meetings and in its offices.
  - ii). A range of (at least two) Fair-trade products is readily available in the town shops and local cafes/catering establishments.
  - iii) Fairtrade products are used by a number of local work places (estate agents, hairdressers, etc) and community organisations (churches, schools etc).
  - iv). Attract media coverage and popular support for the campaign
  - v). A local Fairtrade steering group is convened to ensure continued commitment to Fairtrade Town status.
- 2.2 The goals outlined in para 2.1 are the minimum requirements to achieve the status but there are a number of recommended actions included in the document entitled "Fairtrade Town, Goals and Action Guide " circulated to Town Councillors with the agenda papers.
- 2.3 When the goals have all been achieved the Town receives a signed and dated certificate from the Fairtrade Foundation.

3. Financial Implications

There are likely to be direct financial implications for the Town Council not included within the current year's budget. These could include the production and erection of suitable signage at the entrances to the town, the publication of the scheme, and the potential cost of servicing another committee.

4. Recommendation

The Town Council is invited to consider the option to pursue Fairtrade Town status for Malmesbury and if so agree the format and membership of a Steering Group.

## Report No. 3.

### Report to Town Council 10<sup>th</sup> July 2007.

#### Health Act 2006

##### 1. Background

- 1.1 In 2004 the Choosing Health White Paper on public health was released, which highlights how the public can make healthier and more informed choices in regards to their health. It was from this the government set out a clear strategy to tackle smoking and its effects on health. The Health Act, or 'smokefree law', passed by Parliament in 2006 will make virtually all enclosed public places and workplaces smokefree.
- 1.2 The Smokefree legislation is aimed at:
  - ❖ recognising a person's right to be protected from the harm of second-hand smoke and to breathe smokefree air
  - ❖ helping people trying to give up smoking by providing a supportive and smokefree environments
  - ❖ reducing illness and the number of deaths from medical conditions caused by second-hand smoke
  - ❖ improving life expectancy because less people will take up smoking in the first place
- 1.3 On the 1<sup>st</sup> July 2007 the relevant sections of the Health Act came into force placing a requirement for those premises to which public have access to be smokefree and for suitable approved signage to be prominently displayed. The requirement also extends to certain vehicles unless used by one designated driver and no passenger is carried.
- 1.4. The Malmesbury Town Hall complex, Park Road Depot and the Council vehicle falls into the above category as do staff vehicles when used in connection with the work of the Town Council and a passenger is on board
- 1.5. Fixed penalty notices may be issued for non-compliance and fines range from £30 to £2,500.

##### 2. Proposal

- 2.1 The Town Hall complex has been designated a "no smoking area" for several years although no formal smoking policy was adopted and maintained by the Town Council.
- 2.2 Approved signage has been installed in advance of the 1<sup>st</sup> July in both the council vehicle and buildings.
- 2.3 To assist in promoting the legal requirement to protect all employees, service users, customers and visitors from exposure to second-hand smoke, and to assist in compliance with the Health Act 2006, the Town Council is invited to approve the Smokefree Policy attached to this report as Appendix A..
- 2.4 The policy has been circulated to all employees, consultation has taken place and there have been no objections received from staff.

### 3. Financial Implications

There are no financial implications associated with the adoption of the policy. However, the Town Council could be held responsible if positive action is not taken to prevent a person smoking in contravention of the Health Act 2006 whilst on premises or in a vehicle owned or operated by the Town Council.

### 4. Recommendation

The Town Council is invited to approve and adopt the Smokefree Policy attached to this report.

Jeff Penfold  
Town Clerk  
27.06.2007

Appendix A

**MALMESBURY TOWN COUNCIL**  
**SMOKE-FREE POLICY**

**PURPOSE**

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke and to assist compliance with the Health Act 2006. Exposure to second-hand smoke increases the risk of lung cancer, heart disease and other serious illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

**POLICY**

It is the policy of Malmesbury Town Council that all our workplaces are smoke-free, and all employees have a right to work in a smoke-free environment. The policy shall come into effect on Tuesday, 10<sup>th</sup> July 2007. Smoking is prohibited in all enclosed and substantially enclosed premises in the workplace. This includes Town Council vehicles and vehicles used on Town Council business whenever passengers are carried. This policy applies to all employees, consultants, contractors, customers or members and visitors.

**IMPLEMENTATION**

Overall responsibility for policy implementation and review rests with the Town Clerk. However, all staff are obliged to adhere to, and support the implementation of the policy. The person named above shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. They will also give all new personnel a copy of the policy on recruitment/induction. Appropriate 'no-smoking' signs will be clearly displayed at the entrances to and within the premises, and in all smoke-free vehicles.

**NON-COMPLIANCE**

Local disciplinary procedures will be followed if a member of staff does not comply with this policy. Those who do not comply with the smoke-free law may also be liable to a fixed penalty fine and possible criminal prosecution.

**HELP TO STOP SMOKING**

The NHS offers a range of free services to help smokers give up. Visit [gosmokefree.co.uk](http://gosmokefree.co.uk) or call the NHS Smoking Helpline on 0800 169 0 169 for details. Alternatively you can text 'GIVE UP' and your full postcode to 88088 to find your local NHS Stop Smoking Service.

Signed ..... Date

On behalf of the Malmesbury Town Council