

Marlborough Town Council

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COUNCIL OFFICES
5 HIGH STREET
MARLBOROUGH
WILTSHIRE
SN8 1AA

22nd June 2021

Dear Councillor,

I hereby summon you to a meeting of **Marlborough Town Council**, which will be held on **Monday, 28th June 2021** in the **Assembly Room, Town Hall at 7.00pm**.

Yours faithfully,

Richard Spencer-Williams

Mr Richard Spencer-Williams, PSLCC
Town Clerk

This meeting will be held at the Town Hall according to the latest Government Covid Safety Guidelines.

All those in attendance at the meeting will be required to wear a face mask unless exempt or when talking.

There will be twelve places for members of the public to attend. If members of the public wish to attend they should notify the Town Clerk of this by noon on the Friday prior to the meeting.

If members of the public wish to attend and ask a question they should also notify the Town Clerk of this by noon on the Friday prior to the meeting and provide in writing their question at the same time.

No members of the public will be allowed to attend if all the allocated seats are taken.

If members of the public wish to ask a question, but not attend, they can provide the question in writing to the Town Clerk by noon on the day of the meeting, and a written response will be provided.

a) Prayers

b) Public Question Time – In accordance with Standing Order 3(f), members of the public may ask questions of Full Town Council. The time allocated for this should not exceed 10 minutes and be limited to 1 question per person unless directed otherwise by the Chair. A full response may not be possible without further research and the Chair may direct that a written or oral response be given.

c) Crime and Disorder – a member of the Wiltshire Constabulary will be invited to give a report and answer questions from Councillors and members of the public (not to exceed 10 minutes)

d) To receive Questions to and from Wiltshire Councillors (not to exceed 10 minutes)

AGENDA

1. Apologies for Absence

2. Declarations of Interest and Requests for Dispensations

- a) To receive any Declaration(s) of Interest under Marlborough Town Council's Code of Conduct issued in accordance with the Localism Act 2011
- b) To consider any dispensation requests received by the Town Clerk
Members are reminded that they are obliged to notify the Monitoring Officer of a change to disclosable interests, or a new interest as defined in Appendices A and B of the Code of Conduct within 28 days of becoming aware of it. These should be passed on to the Town Clerk to register online.

3. Mayor's Announcements

4. Minutes

To approve and sign as a correct record the minutes of the Town Council meeting held on Monday, 24th May 2021.

5. To note the Internal Audit Report 2020/2.

6. Annual Governance Statement 2020/21

To consider and approve the Annual Governance Statement at Section 1 of the Annual Governance and Accountability Return (AGAR)

7. Annual Accounting Statements 2020/21

To consider and approve the Annual Accounting Statements at Section 2 of the Annual Governance and Accountability Return (AGAR)

8. Climate Emergency

To consider the draft Climate Emergency Policy Statement, and the Council's continuing approach to responding to the declared Climate Emergency.

9. Leisure Centres Transferring to Wiltshire Council

To note an update briefing report from Wiltshire Council on Places Leisure Centres transferring to Wiltshire Council.

10. Community Governance Boundary Review

To confirm Marlborough Town Council's response to Wiltshire Council's Community Governance Boundary Review consultation.

11. Open Spaces Working Party

To note the Open Spaces Working Party Terms of Reference and agree membership.

- ### **12. Committee Minutes**
- In accordance with para 3.1 of the Scheme of Delegation, to note the approved minutes of the following committee meetings: **Planning** – 26th April and 1st June 2021. These minutes have been approved by committees and circulated to Members and are available to download from www.marlborough-tc.gov.uk or from the Town Council offices. Other meetings have taken place but, minutes are not yet approved so remain in draft form.

13. Member's Question Time

Questions to be submitted to the Town Clerk by midday on the day of the meeting and not to exceed 10 minutes

14. Exclusion of Press and Public

That under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following item of business as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.

15. Rugby Club Training Pitch

To consider the matter of the Rugby Clubs Request for a Training Pitch and associated resolutions.

16. To authorise the fixing of the Common Seal of the Marlborough Town Council to all documents necessary to give effect to the decisions of the meeting.

QUESTIONS TO AND FROM WILTSHIRE COUNCILLORS

The Mayor welcomed **Councillors Jane Davies** (Wiltshire Councillor, Marlborough West, and Cabinet Member for Adult Social Care, SEND, Transition and Inclusion), **James Sheppard** (Vice Chairman of the Council) and **Caroline Thomas** (Wiltshire Councillor, Marlborough East), who all expressed their desire to support Marlborough to the best of their ability and provide a smooth connection between the town and County Hall. They would provide details of their committee membership in due course.

Councillor Hall referred to previous Wiltshire Councillor, Stewart Dobson having passed on the bad news that Wiltshire Council appeared to have secretly sold land that formed part of the old railway line to the owners of Marlborough Business Park, and that residents of St Margaret's Mead had to climb a muddy bank to get through. He asked Wiltshire Councillors to find out the details of what land had been sold and what would be done to rectify public access, allowing the long-held aspiration of joining up the path all the way through to St Johns Academy to be realised. The path was blocked in two places. **Councillor Thomas** had already received copies of correspondence and maps along with an update from Councillor Dobson. She had also been contacted by a local resident on the same subject and would be able to provide more detail once she was fully up to speed to provide a better understanding of what could be done to improve access for residents. She understood that Wiltshire Council had retained a right for a path and would try to find more detail. It was good news that the Toucan crossing between the Business Park and the Redrow development that formed part of the S106 commitment was now active on the list of projects for Highways.

Councillor Farrell appealed to Wiltshire Councillors to help local residents who rented homes from various housing associations via Homes4Wiltshire: some were living in very poor standard accommodation and Councillor Farrell was already trying to help one family who had been unable to use their bath for a considerable amount of time. Cllr Farrell asked if Wiltshire Council intervene with housing associations on behalf of tenants to improve their living conditions and also take more steps to ensure that more homes would-be built-in Marlborough rather than other parts of the county to replace those sold off by housing associations? Cllr Farrell stated there were approximately 80 Marlborough families waiting for housing and it was a disgrace that Housing Associations profited from the sale of homes in Marlborough without appearing to reinvest it in the town. **Councillor Davies** confirmed that another 1,000 homes were being built to be retained as council housing as well as a programme for retrofitting existing homes to improve environmental conditions and make the homes more comfortable. Cllr Davies asked if Councillor Farrell could provide details of specific families (with consent) she would follow up on their behalf. **Councillor Allen** asked how many of the 1,000 new homes were likely to be in Marlborough, and whether Wiltshire Councillors could lobby on behalf of Marlborough residents? Councillor Davies thought it likely that they would be in other areas but did not have a figure. It might be possible to negotiate this depending on the outcome of the Neighbourhood Planning process. **Councillor Cleasby** asked Wiltshire Councillors to provide clarity about what Wiltshire Council's policy was in relation to contracts with Housing Associations, whether that policy could be shared with Town Councillors, whether a renewal date was known and what the process was to change the policy. **Councillor Loosmore** appealed to the Wiltshire Councillors to use their influence to make and change existing policies. **Councillor Sheppard** agreed on the need to reinvest in Marlborough and would investigate although he warned it would be a long process to bring about a change in policy.

Councillor Waltham asked whether there was update available on a likely date for a new crossing to be created in George Lane. **Councillor Davies** confirmed that an order was imminent for it to be carried out during the summer holidays, although this was not guaranteed while there was still uncertainty around Covid restrictions.

12/21 RECONFIRMATION OF TOWN MAYOR

Following the Annual Town Council held 17 May 2021 it was proposed by Councillor Barrett-Morton and seconded by Councillor Fogg and

RESOLVED: that Councillor Mark Cooper be reconfirmed as Town Mayor for Marlborough for the year 2021-22

13/21 RECONFIRMATION OF DEPUTY MAYOR

Following the Annual Town Council held 17 May 2021 it was proposed by Councillor Hall and seconded by Councillor Cooper and

RESOLVED: that Councillor Lisa Farrell be reconfirmed as Deputy Town Mayor for Marlborough for the year 2021-22

14/21 APOLOGIES

Apologies for absence were received from **Councillor Castle**.

15/21 DECLARATIONS

There were no declarations of interest or requests for dispensation.

16/21 MAYOR'S ANNOUNCEMENTS

The Mayor thanked everyone who had attended Mayor Making and made it such a special evening for him and his family.

It was good news that six sheep would soon be moving into Coopers Meadow – he expressed thanks to Mr Hibberd and Action for the River Kennet.

A new Civic and Cemetery Administrator had been appointed and would take up the position soon. Mrs Chapman would be leaving the post on 15 June after 16 years' service in the role and the Mayor expressed his thanks to her for all her work arranging Mayor Making and more. He was sure previous Mayors would join him in thanking her for her support in civic matters as well as her work to administer the Cemetery.

The Annual Town Meeting would take place at 6pm on 1 June before the Planning Committee at 7.30pm.

Finally, the Mayor expressed his congratulations to Dr Nick Maurice on being nominated for the Nobel Peace Prize.

17/21 MINUTES

RESOLVED: that the minutes of the Annual Meeting of the Town Council held 17 May 2021 were approved as a true record and signed by the Town Mayor

18/21 SCHEME OF DELEGATION

RESOLVED: that the Scheme of Delegation be adopted for 2021-22

19/21 NOMINATIONS TO STANDING COMMITTEES AND SUB COMMITTEES

Members received and considered nominations to Committees as set out in Standing Order 6 k) iv. Two Committees – Finance & Policy and Amenities & Open Spaces – were oversubscribed so ballots were held.

RESOLVED: that the members of the **Planning Committee** would comprise all Town Councillors with the Mayor being an ex-officio, non-voting member

RESOLVED: that the members of the **Finance and Policy Committee** would be Councillors Fogg, Ross, Loosmore, Barrett-Morton, Hall, Cleasby, Davies and Sheppard plus the Town Mayor

RESOLVED: that the members of the **Property Committee** would be Councillors Fogg, Loosmore, Farrell, Hall, Davies, Allen, Cleasby and Waltham plus the Town Mayor

RESOLVED: that the members of the **Amenities and Open Spaces Committee** would be Councillors Ross, Barrett-Morton, Farrell, Heath, Hillier, Waltham, Sheppard and Thomas plus the Town Mayor

RESOLVED: that the members of the **Staffing Sub Committee** would be Councillors Loosmore, Barrett-Morton, Farrell, Heath, Hillier, and Cleasby plus the Town Mayor

There were two vacancies for the Staffing Sub Committees and Members were invited to consider putting themselves forward to join it.

20/21 TO ELECT A CHAIRMAN AND VICE CHAIRMAN OF STANDING COMMITTEES AND SUB COMMITTEES

a) Planning Committee

RESOLVED: that Councillor Fogg be elected Chairman of the Planning Committee for 2021-22

RESOLVED: that Councillor Hall be elected Vice Chairman of the Planning Committee for 2021-22

b) Finance and Policy Committee

RESOLVED: that Councillor Ross be elected Chairman of the Finance and Policy Committee for 2021-22

RESOLVED: that Councillor Hall be elected Vice Chairman of the Finance and Policy Committee for 2021-22

c) Property Committee

RESOLVED: that Councillor Loosmore be elected Chairman of the Property Committee for 2021-22

RESOLVED: that Councillor Hall be elected Vice Chairman of the Property Committee for 2021-22

d) Amenities and Open Spaces Committee

RESOLVED: that Councillor Heath be elected as Chairman of the Amenities and Open Spaces Committee for 2021-22

RESOLVED: that Councillor Farrell be elected as Vice Chair of the Amenities and Open Spaces Committee for 2021-22

e) Staffing Sub-Committee

RESOLVED: that Councillor Farrell be elected as Chair of the Staffing Sub-Committee for 2021-22

RESOLVED: that Councillor Hillier be elected Vice Chair of the Staffing Sub-Committee for 2021-22

21/21 STANDING ORDERS

Councillor Waltham asked a question concerning 3e about public participation at meetings. The **Town Clerk** agreed to conduct detailed research and reply in due course.

RESOLVED: that the Standing Orders be adopted for 2021-22

22/21 FINANCIAL REGULATIONS

RESOLVED: that the Financial Regulations be adopted for 2021-22

23/21 APPOINTMENT TO OUTSIDE BODIES

RESOLVED: that appointment to Outside Bodies, voluntary and working groups be appointed for 2021-22 as listed below

Councillor Hall offered to arrange a videoconference meeting with the Neighbourhood Plan consultants for any Members who wished to be brought up to date with progress with the Neighbourhood Plan – they should submit their names via the Town Clerk.

Outside Body	Town Council Representative/s
Wiltshire Council Operational Flood Working Group	James Sheppard and Kymee Cleasby
Wiltshire Area Localism and Planning Alliance	Mervyn Hall and Lisa Farrell
Transition Marlborough	Jo Waltham
Marlborough Area Neighbourhood Plan Steering Group	Mervyn Hall, Noel Barrett-Morton, and Caroline Thomas as Unitary Councillor
Dark Skies Working Party	Donald Heath and Guy Loosmore
Emergency Planning Working Party/Snow Warden	Kymee Cleasby and Guy Loosmore
Community Area Transport Group	Mervyn Hall and Richard Allen
Marlborough and District Chamber of Commerce	Jo Waltham
Market Towns Forum	The Town Mayor and Guy Loosmore
Wiltshire Association of Local Councils	Richard Allen
The Richmond Fellowship	Bryan Castle, Richard Allen, and Caroline Thomas
Marlborough Area Board	The Town Mayor and Richard Allen
Marlborough and District Link Scheme	Caroline Thomas and Vanessa Hillier
Marlborough Fire Station Liaison	Vanessa Hillier
2293 Air Training Corps	Caroline Thomas, Lisa Farrell, and Noel Barrett-Morton
Kennet Community Transport	Kymee Cleasby
Marlborough Sports Forum	Caroline Thomas and Lisa Farrell
Local Youth Network	Lisa Farrell, Jane Davies and Kymee Cleasby
Great West Way	Jo Waltham, Noel Barrett-Morton, and Guy Loosmore
Landsdowne Monument	Donald Heath
Stonebridge Management Committee	Donald Heath and Bryan Castle
Schools Forum	The Town Mayor and Deputy Town Mayor
Allotment Association	Bryan Castle
Marlborough Youth Council	Lisa Farrell, Kymee Cleasby and Jane Davies
Tree Council	Donald Heath
Speedwatch	Lisa Farrell and Vanessa Hillier
The Merchants House Trustees	Andrew Ross and Vanessa Hillier
Museum Committee	The Town Mayor and James Sheppard

24/21 APPOINTMENT TO APPEALS PANEL

RESOLVED: that Councillors Hall, Waltham, Davies, and Thomas be appointed to the Appeals Panel

25/21 GENERAL POWER OF COMPETENCE

RESOLVED: that the General Power of Competence for Marlborough Town Council be adopted for 2021-25

26/21 ASSET REGISTER

RESOLVED: that the register of insured land and assets be approved

27/21 INSURANCE RENEWAL

Members noted a report by the Town Clerk about insurance cover in respect of insured risks

28/21 MEMBERSHIPS AND SUBSCRIPTIONS

Members noted a report by the Office Manager and

RESOLVED: that the subscriptions and memberships be approved

29/21 RISK MANAGEMENT

RESOLVED: that the Risk Management Scheme for 2021-22 is adopted

30/21 INTERNAL AUDITORS

Members discussed best practice in terms of length of appointment of internal auditors and how often to rotate them. It was agreed this could be discussed at a future meeting for 2022-23 onwards.

RESOLVED: that the Internal Auditors, Auditing Solutions Ltd, will continue to carry out the Council's internal audits in 2021-22

31/21 BANK MANDATE

RESOLVED: that the Bank Mandate is amended to record the changes of Mayor, Deputy Mayor and Chairman and Vice Chairman of the Finance and Policy Committee all of whom together with the Town Clerk/Responsible Financial Officer or Office Manager (as authorised officer) will be signatories and always requiring that two Councillors and one Officer sign all cheques and other orders for payment

32/21 CALENDAR OF MEETINGS

RESOLVED: that the Calendar of Meetings for 2021-22 is readopted

33/21 COMMITTEE MINUTES

In accordance with para. 3.1 of the Scheme of Delegation, Members noted the approved minutes of the following committee meetings: **Planning** 15 March and 6 April 2021;

Amenities & Open Spaces – 1 February 2021 and **Property** – 25 January 2021

34/21 MEMBERS' QUESTION TIME

Councillor Ross had submitted two questions:

- i) Mr Mayor, may I ask if you are aware that there is a parcel of land to the east of the new development on the Recreation Ground that opens onto the Recreation Ground which appears to be no man's land? Could I ask if this matter could be investigated?

The **Town Clerk** agreed to investigate.

- ii) Mr Mayor, may I enquire if you are as confused as I am concerning the Wiltshire Council purchase of land that was once the old railway line at the Salisbury Road Business Park? Are you also aware the anticipated path from Five Stiles Road to Tesco is blocked in at least two places by adjacent landowners? Could I ask if this matter could be investigated?

Councillor Ross was happy that this had been largely covered in Questions To and From Wiltshire Councillors and that **Councillor Thomas** was investigating the situation.

35/21 COMMON SEAL

Proposed by **Councillor Fogg** and seconded by **Councillor Ross** and

RESOLVED: that the Common Seal of Marlborough Town Council be affixed to all documents necessary to give effect to the decisions of the meeting

The meeting closed at 8.39pm

Signed: Date:
Town Mayor

ITEM 5 To note the Internal Audit Report 2020/2.



Marlborough Town Council

Internal Audit Report 2020-21 (Final Update)

*Chris I Hackett
Consultant Auditor
For and on behalf of Auditing Solutions Ltd*

Background

Statute requires all town and parish councils to arrange for an independent internal audit examination of their accounting records and systems of internal control and for the conclusions to be reported each year in the Annual Governance and Accountability Return (AGAR).

This report sets out the work undertaken in relation to the 2020-21 financial year comprising our interim reviews in September 2020 and March 2021 and final review in May 2021. It consolidates the matters reported following our interim reviews. Due to the impact of the Covid-19 pandemic the work was undertaken remotely. We wish to thank the Office Manager and the Clerk for providing records in electronic format to enable our review.

Internal Audit Approach

In conducting our review, we have continued to pay due regard to the materiality of transactions and their susceptibility to potential misrecording or misrepresentation in the year-end Statement of Accounts/AGAR. Our programme of cover is designed to afford appropriate assurance that the Council's financial systems remain robust and operate in a manner to ensure effective probity of transactions and to afford a reasonable probability of identifying any material errors or possible abuse of the Council's own and the national statutory regulatory framework. The programme is also designed to facilitate our completion of the 'Internal Audit Report' which is part of the Council's AGAR process and requires independent assurance over eleven internal control objectives.

Overall Conclusion

We have concluded that, based on the work undertaken, the Council continues to maintain effective internal control arrangements. Our findings in each area examined are set out in the detailed report below. We made three recommendations at interim stage aimed at strengthening controls. We have duly signed the Internal Audit section of the AGAR assigning positive assurance against the control objectives.

We wish like to thank the officers for the standard of record keeping and request this report is presented to Members and that Members acknowledge receipt of the Report.

This report has been prepared for the sole use of Marlborough Town Council. To the fullest extent permitted by law, no responsibility or liability is accepted by Auditing Solutions Ltd to any third party who purports to use or rely, for any reason whatsoever, on this report, its

contents or conclusions.

Detailed Report

Maintenance of Accounting Records & Bank Reconciliations

The Council uses the Rialtas software to maintain its accounting records (the Ledger). Accounting support and advice is provided by contract accountants in respect of the year-end and VAT.

Two operational bank accounts are maintained at Barclays, the Business Current and Business Saver accounts. They are accounted for in a combined cashbook (number one) in the Rialtas system. The Council has invested surplus cash in an account with the CCLA Public Sector Deposit Fund.

Our objective here is to ensure that the accounting records are being maintained accurately and currently and that no anomalous entries appear in the cashbook or financial ledgers. In conducting our audit review, we have:

- Agreed the opening trial balance detail for 2020-21 as recorded in the Ledger to the closing detail contained in the 2019-20 Statement of Accounts and AGAR;
- Reviewed the report of the External Auditor on the 2019/20 accounts noting they raised no issues;
- Ensured that the cost centre and nominal ledger income and expenditure coding structure remains appropriate for purpose;
- Checked to ensure that the financial ledger remained “in balance” at the date of our reviews by running a data check within the system to confirm the trial balance agreed to the nominal ledger;
- Discussed with officers the arrangements for processing journals. These are mainly done at the year-end by the contract accountants, adjustments made during the year are done by the Office Manager and discussed with the Clerk;
- Sample checked and agreed detail in the combined number one account cashbook, examining and agreeing transactions in August 2020, January and March 2021 to supporting bank statements;
- Agreed the combined Business Current and Active Saver Account bank reconciliation as of 31st August 2020, 31st December, 31st January and 31st March 2021;
- Discussed with officers the arrangements for Member review of the bank reconciliation, noting that the procedure is that they are reported to Committee with a Member signing the reconciliation. We understand due to the impact of the lock-down Member sign-off of the reconciliation lapsed during the year, although the reconciliations were regularly completed; and
- Discussed arrangements for backing up the system. A monthly backup is done to a data stick, which whilst not stored off site is kept in a fire-proof safe. We understand the Council’s IT provider, Excalibur, do regular backups to a cloud, but this did not include the Ledger (Rialtas) system. We understand the Clerk spoke to Excalibur with a view to including the Ledger (Rialtas) system in the back up to the cloud.

Conclusions and recommendations

We are pleased to note that the accounts are in balance and regularly agreed to the bank. We noted one out of date cheque, drawn for a payment to Gaiger Brothers in November 2019 for £3,552, was showing as unrepresented on the bank reconciliation, but was written back at the year end. We understand it related to work done on a wall. We understand officers have attempted to contact the company about the cheque not being presented.

Arrangements would be strengthened if the Ledger (Rialtas) was included in the data backed up to a cloud, thereby providing an offsite back up.

Subject to the understandable need to shield and compliance with social distancing, Member signature of the bank reconciliations needs to be reinstated at a suitable stage.

We have agreed the cash balances to the AGAR/year end accounts.

- R1. ***Officers should investigate further the reason for the cheque payment to Gaiger not being presented and if necessary, write the cheque back. Response: Cheque now written back.***
- R2. ***Officers should agree with Excalibur an arrangement to back the Ledger up to a cloud or some other off-site medium. Response: Officers have confirmed this is now implemented.***

Review of Corporate Governance

Our objective here is to ensure that the Council has a robust series of corporate governance documentation in place; that Council and Committee meetings are conducted in accordance with the adopted Standing Orders (SOs) and that, as far as we are able to ascertain, no actions of a potentially unlawful nature have been or are being considered for implementation. Consequently:

- We have completed our examination of the Council's minutes, examining those for the Full Council and its Standing Committee meetings (except for Planning) held during the financial year 2020-21 with a view to identifying whether any issues exist that may have an adverse effect on the Council's future financial stability, both in the short and longer term;
- We note the Council continues to keep its corporate policies under review with Finance and Policy Committee considering data protection policies at its September meeting; and
- We confirmed the Council advertised its 2019/20 accounts for public inspection.

Conclusion and recommendation

We note the Council's Standing Orders and Financial Regulations were last approved in 2019. These documents are normally adopted at the first meeting of the Full Council in each municipal year, but in 2020 this meeting was cancelled due to the Covid-19 pandemic. We understand these documents will be reviewed and re-adopted at the Council meeting in May 2021.

We noted at our interim review that the Council publishes payments over £500 on its website to meet the requirements of the Transparency Code, this is normally done monthly and needed updating for the period from April 2020.

R3. *Officers should up-date the posting of detail of payments over £500 on to the Council website. Response: this is now being done and covers the period to March 2021.*

Review of Expenditure

Our aim here is to ensure that:

- Council resources are released in accordance with the Council's approved procedures and approved budgets;
- Payments are supported by appropriate documentation, either in the form of an original trade invoice or other appropriate form of document confirming the payment as due and/or an acknowledgement of receipt, where no other form of invoice is available;
- That Members are provided with, and approve, the regular schedules of payments made;
- All discounts due on goods and services supplied are identified and appropriate action taken to secure the discount;
- The correct expense codes have been applied to invoices when processed; and
- VAT has been appropriately identified and coded to the control account for periodic recovery.

We tested this area examining a sample of all those supplier payments individually in excess of £2,000 together with a more random selection of every 30th cashbook transaction, irrespective of value, entered in the Ledger (Rialtas) cashbook for the period to 31st March 2021 to ensure compliance with the above criteria. Our sample comprised 54 cash book payments, totaling £250,976 and equated to 52% of non-pay expenditure. The invoices were scanned to us. No issues were identified from our sample.

We discussed arrangements for processing payments with officers noting that BACS payments are raised by the Office Manager and then signed off by two councillors who are cheque signatories. A form is used to evidence the approval, with Members also initialling the invoices, the signed forms and the invoices are filed together. We understand from discussions the monthly standing orders for leases and utilities are approved at the time of the lease or payment plan being agreed and are noted when the accounts go to Council.

We confirmed the funds relating to the outstanding VAT debtor, on 31st March 2020, had been paid to the Council. We then reviewed the in-year quarterly VAT reclaims for 2020/21 confirming receipt of funds to the accounts or in the case of the final quarter inclusion in the year end debtor balance.

As part of our review, we examined the papers relating to the award of the contract for play equipment at Jubilee field noting that a report was provided to Members analysing the bids.

Conclusions

No issues arise from this area of our work. Payments were supported by suitable documentation.

Assessment and Management of Risk

Our aim here is to ensure that the Council has put in place appropriate arrangements to identify all potential areas of risk of both a financial and health and safety nature, whilst also ensuring that appropriate arrangements exist to monitor and manage those risks to minimise the opportunity for their coming to fruition. We have:

- Noted the Council approved its annual risk assessment at its meeting in January 2021. We obtained a copy of the risk register noting it describes the risks, identifies the level or impact, refers to the controls in place and notes a review date. The risk assessment includes financial risks as well as risks arising from other areas for example arising from assets, compliance with regulation, etc;
- Noted that the Council's insurance cover continues to be provided by Zurich Municipal Plc. We have examined the current year's policy schedule which runs to 16th June 2021 noting that cover includes:
 - Business interruption insurance;
 - Public liability cover of up to £15m;
 - Hirer's liability cover up to £2m;
 - Employer's liability cover up to £10m;
 - Motor vehicle cover; and
 - Fidelity guarantee cover of up to £1m; and
- Confirmed the arrangements for managing the play areas during the Pandemic and for carrying out safety inspections of the equipment. Regular safety inspections are performed by Council staff who have had ROSPA training supplemented by quarterly checks by Zurich.

Conclusions

The Council's cash balances were below £1m at the year end, but for a period following the receipt of precept, in the short term the Council's cash balances exceeded its fidelity guarantee insurance. The Council may wish, as a matter of good practice, to consider increasing this cover when the policy is next up for renewal.

Budgetary Control & Reserves

Our objective here is to ensure that the Council has a robust procedure in place for identifying and approving its future budgetary requirements and level of precept to be drawn down from the Unitary Authority: also, that an effective reporting and monitoring process is in place. We also aim to ensure that the Council retains appropriate funds in general and earmarked reserves to finance its ongoing spending plans, whilst retaining appropriate sums to cover any unplanned expenditure. We note:

- That Members of the Finance & Policy Committee continue to receive appropriate budget monitoring reports throughout the year, based on detail generated by the Ledger (Rialtas accounting software);
- The Council approved its 2021/22 budget and set its precept at its meeting in January 2021 following detailed review by the Finance and Policy Committee. Detailed budget sheets were prepared alongside a summary report showing income and expenditure by committee. The detailed budget sheets showed income and expenditure and budgets over the prior year, current year and coming year. Consideration was given to key issues including changes in the tax base, the impact of Covid-19 Pandemic on income and the key cost drivers;
- That the Council approved its earmarked reserves in June 2020; and
- Year-end reserves totalled £888,724, including earmarked reserves of £583,608 leaving a general fund balance of £305,116. Spend in year was £759,344. (Some £63,279 a month). The general fund balance represents some 5 months spending which is within the normal range of 3 to 8 months for a town and parish council.
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We reviewed the 2020/21 outturn report comparing income and expenditure levels to prior years and to budget, noting the impact Covid-19 has had on income levels and related spending.

Conclusions

No issues arise in this area requiring formal comment or recommendation.

Review of Income

The Council receives income in addition to the Precept, primarily from Town Hall lettings, property rents, allotments, burial and associated fees, bank interest and specific grants & donations, together with expended VAT, which is recovered quarterly. Income streams have been affected by the Covid-19 related lockdown. To focus our work we obtained and reviewed budget reports generated by the Ledger and decided to review the following areas, specifically we:

- Agreed the 2020/21 precept receipted into the Council's accounts in April and September 2020 to the amount set and recorded in the Minutes of the Council meeting held in January 2020. We further agreed the precept to the list of town and parish council 2020/21 precept demands published by the Government;
- Reviewed a sample of income received in respect of burials agreeing the amount invoiced to the schedule of rates and confirming certificates for burial/cremation were held;
- Discussed and reviewed the controls over the collection of cash from the public toilets;
- Confirmed that the Council, through its Committees, continues to keep the level of fees and charges under review;
- Reviewed rental income on Council properties enquiring of variations from budget and for one property we confirmed the discount allowed to the tenant (due to the problems arising from Covid-19) to correspondence;
- Confirmed the receipt of CIL received in January 2021 to the amount detailed in the minutes;
- Checked the level of debtors recorded in the accounts; and
- Followed up on matters raised last year in relation to rental income.

In addition, as set out earlier in this report, we confirmed receipt of VAT reclaims and agreed a sample of receipts to the bank.

Conclusions

Based on our work, the Council continues to maintain systems for collecting income.

We note the Council has monitored the impact of Covid-19 on its income streams receiving reports setting out the position.

Last year we noted there was a need to review the rental income accruing to the Council for two properties in accordance with the signed leases (which provided for inflation linked rises). We understand the Council's property agents have brought the rent up to date for one property. For the other we note Members have reviewed the rent and are actively engaging in discussions with the tenant.

Petty Cash Account

We are required, as part of the AGAR certification process, to consider the effectiveness of the Council's controls over any petty cash account or other cash holding in use.

The Council operates a limited petty cash account to defray sundry administrative expenses. The account is "topped up" as and when required with "round sum" cash withdrawals through the Barclays cash-point card. These transfers are included in the list of payments presented to Finance and Policy Committee.

We note that manual sheets recording petty cash payments are kept. We obtained the cash sheet for August 2020 as a sample and agreed the payments to till receipts/vouchers. We noted that VAT is recorded separately to allow recovery from HMRC. We confirmed the cash sheet was signed, (by the Assistant Town Clerk) and that the receipt from the Barclays ATM for the top up was also signed by an officer.

Conclusions

There are no issues arising in this area.

Review of Staff Salaries

In examining the Council's payroll function, we aim to confirm that extant legislation is being appropriately observed as regards adherence to the Employee Rights Act 1998 and the requirements of HM Revenue and Customs (HMRC) legislation as regards the deduction and payment over of income tax and NI contributions, together with meeting the requirements of the local government pension scheme, as amended from 1st April 2017 with regard to employee contribution percentages.

We note that processing of the Council's monthly payroll continues to be undertaken "in house" utilising bespoke 'QuickBooks' software. We have sample checked payroll transactions, specifically we have:

- Examined the July 2020 payroll reports and sample checked by reperforming the calculation of tax, national insurance and pension contributions;
- Tested the payment of net pay, tax/NI and pensions per the Council's accounts to the underlying payroll records; and
- Completed our month on month trend analysis of payroll transactions per the cash book to enable us to confirm there are no material anomalies.

Conclusions

We are pleased to record that no issues have been identified in this area warranting formal comment or recommendation.

Fixed Asset Register

The Governance and Accountability Manual requires all Councils to maintain a record of all assets owned. We note the Council retains an asset register which provides photographic information of the specific assets and that assets are valued at cost.

We have agreed the total value of the assets per the asset register to the amount recorded in Box 9 Section 2 of the draft AGAR. We have checked that the addition of capital items during the year, as recorded in the cash book, (being play equipment), is reflected in the fixed asset register at cost net of VAT.

Conclusion

No issues arise in this area of our work requiring formal comment or recommendation.

Investments

Our objectives here are to ensure that the Council is investing “surplus funds”, be they held temporarily or on a longer term basis, in appropriate banking and investment institutions; that an appropriate investment policy is in place; that the Council is obtaining the best rate of return on any such investments made; and that interest earned is brought to account correctly and appropriately in the accounting records.

During our interim review we agreed the balance shown in the accounts as invested in the CCLA to the latest CCLA statement dated 31st January 2021. We further confirmed that interest was being brought to account. At the final review stage, we obtained the CCLA statement showing the balance at year end of £131,511.83 and agreed it to year end accounts.

We note the Council has an investment policy and that the Finance Committee monitors investments.

Conclusions

The Council is holding a significant amount of cash in its deposit account and current account, £896,947 in total at the 31st January 2021 and £755,257 at the year-end. Subject to complying with its Investment Policy and ensuring the security of funds, it may wish to consider diversifying the placement of funds. Whilst it is unlikely a bank may fail, we understand the Financial Services Compensation Scheme protects deposits made by smaller authorities, (which may not include Marlborough), but only up to £85,000.

Statement of Accounts and Annual Governance and Accountability Return (AGAR)

The Governance and Accountability Manual requires all Councils to prepare annually a Statement of Accounts, which is now embodied in the AGAR and subject to external audit review and certification.

We have checked and agreed the detail in Section 2 of the draft AGAR to the underlying accounting records. Specifically, we have:

- Reviewed the debtors and creditors included in the year-end accounts testing as necessary to underlying evidence and listings; and
- Agreed the cash and investments as stated to underlying third party evidence.

We note the Council holds funds totalling £80,000 relating to local charities. With regard to the Jubilee Field, following legal advice, there is now a management agreement in place. The Council, taking advice from with its Solicitors, is considering the dormant Herbert Leaf Charity.

Conclusions

We have duly signed off the Internal Audit Certificate in the year's AGAR providing a copy for the Clerk's necessary further action. We also take this opportunity to remind the Clerk of the requirements of the guidance notes in the preface to the year's AGAR in relation to the documentation that should be displayed on the Council's website, together with the need to ensure compliance with the timing requirements for publication of the Notice of Public Rights to examine the Council's documentation for the financial year.

Rec. No.	Recommendation	Response
Maintenance of Accounting Records & Bank Reconciliations		
R1	Officers should investigate further the reason for the cheque payment to Gaiger not being presented and if necessary, write the cheque back.	<i>Cheque written back.</i>
R2	Officers should agree with Excalibur an arrangement to back the Ledger up to a cloud or some other off-site medium.	<i>This is now implemented.</i>
Review of Corporate Governance		
R3	Officers should up-date the posting of detail of payments over £500 on to the Council website.	<i>This is now being done.</i>

ITEM 6 Annual Governance Statement 2020/21

To consider and approve the Annual Governance Statement at Section 1 of the Annual Governance and Accountability Return (AGAR)

Section 1 – Annual Governance Statement 2020/21

We acknowledge as the members of:

Marlborough Town Council

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2021, that:

	Agreed			*Yes means that this authority:
	Yes	No*		
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓			prepared its accounting statements in accordance with the Accounts and Audit Regulations.
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓			made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓			has only done what it has the legal power to do and has complied with Proper Practices in doing so.
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓			during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓			considered and documented the financial and other risks it faces and dealt with them properly.
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓			arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓			responded to matters brought to its attention by internal and external audit.
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓			disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes ✓	No	N/A	has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.

*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets must be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

and recorded as minute reference:

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman _____

Clerk _____

www.marlborough-tc.gov.uk

ITEM 7 Annual Accounting Statements 2020/21

To consider and approve the Annual Accounting Statements at Section 2 of the Annual Governance and Accountability Return (AGAR)

Section 2 – Accounting Statements 2020/21 for

Marlborough Town Council

	Year ending		Notes and guidance
	31 March 2020 £	31 March 2021 £	
1. Balances brought forward	701,155	764,568	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	669,875	723,257	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	210,268	160,243	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	365,140	404,922	Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).
6. (-) All other payments	451,590	354,422	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	764,568	888,724	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).
8. Total value of cash and short term investments	753,981	886,769	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.
9. Total fixed assets plus long term investments and assets	8,894,664	8,951,086	The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets. N.B. The figures in the accounting statements above do not include any Trust transactions.
	✓		

I certify that for the year ended 31 March 2021 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

Date

I confirm that these Accounting Statements were approved by this authority on this date:

as recorded in minute reference:

Signed by Chairman of the meeting where the Accounting Statements were approved

ITEM 8 Climate Emergency

To consider the draft Climate Emergency Policy Statement, and the Council's continuing approach to responding to the declared Climate Emergency.

1. Wiltshire council has declared a climate emergency, committed to becoming carbon neutral as an organisation by 2030, and to seeking to make the whole of Wiltshire carbon neutral too. ⁱ
2. Marlborough Town Council declared a climate emergency in 2020. Since then, the council has formed a Climate Emergency Working Group.
3. The Climate Emergency Working Group (CEWG) met on the 21.4.21 to discuss a draft Action Plan, and the way forward. At that time there was also a change in membership of the Working Group, with the departure of Cllr Price and Cairns.
4. The CEWG also discussed how joint working with Wiltshire Council could benefit a more strategic response to the breadth of challenges and issues involved in an effective response to the Climate Emergency, such as air quality and traffic flow.
5. It was suggested that there are three essential components that could support an effective response from Marlborough and the community area;
 - i. **Climate Action Marlborough**, intended as the working partnership between Marlborough Town Council, Wiltshire Council (advocated via the Community Engagement Officer), and other local environmental groups such as Transition Marlborough, ARK, and the Citizen's Climate Lobby.
 - ii. **Marlborough Town Council**, directly responding to its own -in -house challenges and actions , e.g., energy suppliers, working practices, procurement of goods and services.
 - iii. **Wiltshire Council and the Marlborough Area Board** acting to support local need and bringing influence to bear o more strategic issues.
6. Specifically, Marlborough Town Councils approach to tackling the Climate Emergency and progressing through its necessary related actions was considered. There was consideration of the merits of continuing with a dedicated CEMWG to drive change through the Council and to act as the key link with 'Climate Action Marlborough', as opposed to 'assimilating' the agenda and work integrally to all aspects of the Council, and its Committees.
7. With this was the recommendation for a 'Policy Statement' that could be easily adopted by the Council to steer and ensure the Climate Emergency issue is proactively addressed. This is outline below:

Marlborough Town Council



Environment and Climate Protection Policy Statement

DRAFT

Author:
Adopted:
Review Date:

Policy Statement

- i. Marlborough Town Council is committed to protecting the health and wellbeing of our local environment and beyond.
- ii. Marlborough Town Council acknowledges that non-recyclable single use plastics (SUPs) are a threat to our wildlife and environment on a local, national, and global scale.
- iii. Marlborough Town Council further acknowledges the effect of global warming and global climate emergency, which has been declared by the UK Government and by Wiltshire Council.
- iv. Marlborough Town Council recognises its obligation to take such steps as are necessary and practicable, to limit any detrimental impact its services and activities has on the immediate local and wider environment and on the global climate.
- v. The Council, committees, and staff will proactively exercise its collective knowledge and awareness to ensure an informed approach to its considerations in respect of all Council responsibilities, commissions and purchases, contractual agreements, engagement of services, projects, events, and practices, with the overall aim to reduce its environmental impact and achieve carbon neutrality in line with Government policy.
- vi. The Council aims to ensure its staff and councillors develop its awareness and knowledge of the 'Climate Emergency' and mitigating factors through the acquisition of information and skills in order to limit its impact on the environment and climate.
- vii. Marlborough Town Council commits to a comprehensive appraisal of its current operations to assess and understand its environmental impact, and to outline its areas for improvement and subsequent actions; and will ensure the necessary resources are prioritized to ensure this happens at the start of a Council term and every subsequent year

thereafter, to ensure that the Council is able to perform all its duties as required by environmental legislation.

- viii. The Council is also committed to supporting and encouraging residents and community groups, to take such actions as are necessary and practicable, to limit their detrimental impact on the environment and the global climate. In order to do this, the Council is committed to consulting with residents, to better understand how it can support in this work.
- ix. This policy will be reviewed every three years, or as needed, by the Finance and Policy Committee, in conjunction with the Town Clerk.

8. Recommendations

1. To review and / or adopt the Environment and Climate Protection Policy Statement
 2. To re-affirm, and re-state the CEWG as part of the Councils Climate Emergency response; whose role would be to advise, inform, and monitor positive change within the Council in respect of Climate Emergency; reporting to Full Council.
 3. To adopt an 'integral' approach to the Council's Climate Emergency response and progress in this respect, this featuring ' Climate Emergency Response';
 - as a standing item on all Council agendas.
 - as a standing consideration in all project developments, reviews of services delivery, policies and working practices, commissions, and procurement of services.
9. The Council are asked to consider the recommendations of this report and instruct the Town Clerk accordingly.

ITEM 9 Leisure Centres Transferring to Wiltshire Council

To note an update briefing report from Wiltshire Council on Places Leisure Centres transferring to Wiltshire Council.

Wiltshire Council

Update on Places Leisure centres transferring to Wiltshire Council

Briefing Note No. 21-07

Service: Communities & Neighbourhood Services

Date Prepared: 28 May 2021

Further enquiries to: louise.cary@wiltshire.gov.uk

We wanted to share a bit more information with you on the council's plans to transfer the current Places Leisure-run centres in Wiltshire into the management of Wiltshire Council.

In December 2020, the council's cabinet made the decision to bring its leisure centres back in-house, which supports the ambition to provide an equitable level of quality leisure services across the county, with the aim of creating a more active Wiltshire.

The council currently operates 10 leisure centres across the south and east of the county, with 10 leisure centres in the north and west that are managed on behalf of the council by Places Leisure. From October 2021, all leisure centres will be managed by Wiltshire Council.

The leisure centres that will move from Places Leisure to Wiltshire Council management are:

- Bradford on Avon Swimming Pool
- Castle Place Leisure Centre, Trowbridge
- Lime Kiln Leisure Centre, Royal Wootton Bassett
- Leighton Recreation Centre, Westbury
- Melksham Blue Pool & Gym
- The Activity Zone, Malmesbury
- The Olympiad, Chippenham
- Trowbridge Sports Centre
- Warminster Sports Centre
- Westbury Swimming Pool

All Places Leisure staff will be able to transfer to become Wiltshire Council employees, and plans are ongoing to ensure a smooth transition for leisure centre users. The council has been working closely with Places Leisure to engage staff throughout the process.

The emphasis of the project work has been on delivering business critical services and systems from day one of the transfer, to ensure staff can operate the facilities effectively and customers can continue to access and enjoy the sites and their activities.

A robust governance structure has been put in place to support the transfer process, including:

- Holding an Officer Leisure Insourcing Transition Board, chaired by Sam Fox, Corporate Director, Place. Group meets every three weeks.
- Having a weekly stand up check-in group chaired by Jess Gibbons, Director Communities and Neighbourhoods
- Weekly sub-groups for the HR, leisure, ICT, procurement and communications elements of the project

We will continue to keep you updated on any key developments.

In the meantime, if you have any questions, please don't hesitate to get in touch with the Programme Lead, Louise Cary, at louise.cary@wiltshire.gov.uk

ITEM 10 Community Governance Boundary Review

To confirm Marlborough Town Council response to Wiltshire Council's Community Governance Boundary Review consultation.

1. In response to Wiltshire Council request Marlborough Town Council resolved 'to express an interest in a review of governance arrangements to include a possible combination of Marlborough with the parishes of Preshute and Savernake and to review the current ward structure especially if parish boundary changes take place', and this representation was submitted to Wiltshire Council Democratic Services.
2. Due to the number of requests received, it was not possible for Wiltshire Council to review all the requested areas in advance of the scheduled May 2021 local elections.
3. At its meeting on 13 August 2020 the Electoral Review Committee agreed to recommend that the next Community Governance Review commences after the May 2021 elections, possibly around June/July 2021.
4. WC Democratic Services have advised that due to the remaining number of requests and their scale and complexity in some instances, it is still the case that not all requests will be able to be reviewed during the next review. The Electoral Review Committee will determine which areas to include in the review from those which have been requested.
5. Any other requests will be reviewed in future years, for example commencing in June/July 2022 or June/July 2023. Usually, any changes would take effect at the next scheduled elections, so any delay in the commencement of a review for an area may not have a significant impact.
6. Wiltshire Council have requested confirmation that Marlborough Town Council still wish to proceed as requested and resolved in September 2020?
7. The Council are asked to instruct the Town clerk accordingly.

Community Governance Review Request Form

Name of Town/City/Parish: Marlborough Town Council

Governance change requested:

(Tick all that apply)

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | Change name of parish/parish wards |
| <input type="checkbox"/> | Change number of councillors for parish |
| <input checked="" type="checkbox"/> | Change number/shape of wards for parish |
| <input checked="" type="checkbox"/> | Change external boundaries of parish |
| <input checked="" type="checkbox"/> | Creation/merger/abolition/grouping of parishes |
| <input type="checkbox"/> | Change name of parish |
| <input type="checkbox"/> | Other change |

Details of requested change(s):

- i) To amalgamate the parish of Preshute with Marlborough
- ii) To amalgamate the parish of Savernake with Marlborough
- iii) To review the current ward structure (especially if i) and/or ii) are combined with Marlborough)
- iv) Change external boundaries of parish

Reason for requested change(s):

- i) Part of the neighbouring parish of Preshute (which does not take its name from any village or town) was transferred to Marlborough in 1934 and the parish boundary moved to accommodate this. Today, Preshute parish has a population of 193 (*Census 2011*) and its widely spread community uses the amenities and services provided by neighbouring Marlborough. It is not clear whether Preshute Parish Council meets its requisite statutory obligations under LGA 1972 Sch.12 (Part 11) relating to parish councils (e.g. meeting notices, agendas and minutes are not publicly available). It would not be satisfactory to leave the area unparished.
- ii) The parish of Savernake is viewed as part of Marlborough – the local hospital is based there and residents (*population 286 – Census 2011*) at its one housing development (Maurice Way) use Marlborough as a service centre.

ITEM 11. Open Spaces Working Party

To note the Open Spaces Working Party Terms of Reference and agree membership.

1. On the 26.4.21 the Amenities and Open Spaces Committee (A&OS) considered the management of Priory Gardens. There has been a comprehensive history of discussion about how Priory Gardens should be managed, and this had seen differences between Members about access to and use of the gardens. With ongoing reports of anti-social behaviour in the Priory Gardens and other locations, it was suggested that perhaps a new approach might help.
2. The Town Clerk reminded Members that whilst the behaviour of some groups of users had an impact on others, the Town Council would not solve it by excluding specific groups and did not have the powers or resources to solve the problem on its own. It was suggested an inclusive approach drawing together joint agencies (e.g. MTC and WC, council, police, schools) to help engage everyone and manage boundaries could prove effective. It was suggested a good outcome would be all people using open spaces in a way that was appropriate to each location, and a way forward might be for the next Council to set up a working party drawing together schools and other agencies to draw up a joint strategy for managing the open spaces with all community needs in mind.
3. It was agreed to set up a Working Party (WP) whose scope would be to consider all the Council's open spaces and play areas, and to agree a shared vision and management strategy that would enable all sectors of the community to enjoy them appropriately. The Town Clerk was asked to prepare an outline proposal for a working party.
4. On the 21.6.21 the A&OS Committee considered and agreed a Terms of Reference (TORs) as proposed by the Town Clerk, which can be seen below. It was also resolved to defer the agreement of membership to Full Council, as it was considered the matter may be more fully supported by a wider range of Councillors than just the A&OS Committee.
5. The Council are asked to note the TORs and consider and agree the membership for the Open Spaces Working Party.

Proposed Terms of Reference

Purpose

- The Open Spaces Working Party (OSWP) purpose will be to devise an effective strategy to the effective provision of its Open Spaces and Play Areas within Marlborough, in response to the needs of all sectors of the Marlborough Community.
- A chair and vice chair should be agreed at the first meeting.

Scope

Priory Gardens, Salisbury Recreation Ground, Elcot Lane Playing Field, Coopers Meadow, Stonebridge Meadow, Jubilee Field, Rabley Wood, Wye House Gardens, and the Common.

NB The Cemetery requires its own specific management.

- The **Proposed Terms of Reference (ToRs)** would be as follows, which could be categorised and approached in order under three key headings '**Need**', '**Problem**', '**Solution**':

Need

- i. To **map out** the Council's Open Spaces.
- ii. To consider and agree the **range of community needs** relevant to the use of open spaces and play areas.
- iii. To consider and agree the **distinct attributes of each open space and play area**, in relation to the range of community need.
- iv. To agree the **scope and primary purpose** of each space.

Problem

- v. To consider and agree the **particular challenges** for managing each Open Space and Play Area both in terms of;
 - **Practical** land/grounds management
 - Ensuring the **integrity** of each space as agreed
- vi. To consider any significant inherent or external **risk factors** to the Council and / or the community in the provision of each Open Space or play area.

Solution

- vii. To consider and agree the **required response** needed to ensure the effective provision of the Open Spaces; including;
 - Marlborough Town Councils role and service delivery
 - Specific Partnership roles and service delivery (this could include partner agencies, third sector contributors, or community partners).
- viii. To consider and agree any **resource implications** for implementation.
- ix. To consider and agree the **relevant and necessary actions**, and target timescale.
- x. To report back to the A&OS Committee with **recommendations for adoption**.

NB It is advised the WP should not be seen as a reactionary panacea for all ASB in the town but should be approached as a proactive response to community need and in support of effective open space management and community cohesion.

6. The working group should comprise of both Councillors from the Committee (as agreed), the Town Clerk, and the Grounds Manager. Additionally, it is within the gift to invite in key partners and community stakeholders to contribute to the WP considerations as needed, and this would be advisable on steps v. – ix.
7. It is advised key partners should include (as appropriate and relevant);
 - Young people
 - Parents
 - Relevant community users of the Open Spaces
 - Residents
 - Police
 - Wiltshire Council (Area Board & Local Youth Network, and Targeted youth services)
 - Schools
 - Youth Service Providers (Third Party Sector)

Frequency and timeline

8. The WP should meet on a needs-led basis until such a time as it is confident an effective implementation plan has been agreed for consideration and adoption by the Committee or Council.

Legal Implications

9. It should be noted the Council has a duty to;
 - promote community safety and prevent Crime and Disorderⁱⁱ.And
 - protect Biodiversityⁱⁱⁱ.
10. The Council also has a duty to consider and ensure all parts of the community have access to its open spaces, and is duty bound to not discriminate to any individual or group in this respect. This should also be at the forefront in its considerations^{iv}.
11. The Children's Act 2004 places a duty on providers of sport, leisure, or cultural services to have regard for the need to safeguard and promote the welfare of children^v.
12. The Council had a safeguarding responsibility set out and updated in the 'Working Together to safeguard Children 2018, including contextual safeguarding^{vi}.

ITEM 14 Rugby Club Training Pitch

To consider the matter of the Rugby Clubs Request for a Training Pitch and associated resolutions.

Please refer to separate report – not for publication

LINKS

https://www.wiltshire.gov.uk/media/6277/Climate-Strategy-Discussion-Document-January-2021/pdf/PDFBrandedClimateStrategyDiscussionDocFINAL_-_Copyv21.pdf?m=637521067713030000

ii [Crime and Disorder Act 1998 \(legislation.gov.uk\)](#)

iii [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](#)

iv [Equality Act 2010 \(legislation.gov.uk\)](#)

v [Working Together to Safeguard Children 2018 \(publishing.service.gov.uk\)](#)

vi [Working Together to Safeguard Children 2018 \(safeguardingchildren.co.uk\)](#)