

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PARISH COUNCILS STANDARDS SUB-COMMITTEE
6.30 P.M., ON MONDAY, 5 MARCH, 2007
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT:

Mr. M. King – Independent Member (Vice-Chairman in the Chair)

District Councillors:

Bennett, Mrs. D.J. Toth, J.
Davies, Mrs. G M

Parish/Town Councillors:

Reynolds, S. – Brindley Heath Parish Council
Smith, E. – Bridgtown Parish Council
Whysall, Mrs. C. – Hednesford Town Council
Williams, Mrs. P. – Rugeley Town Council

Independent Members:

Mr. M. Beeso
Mr. R. Betteridge
Mr. M. Elliott

(An apology for absence was received from Councillor D. Clark of Norton Canes Parish Council).

12. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

<u>Member</u>	<u>Nature of Interest</u>	<u>Type</u>
Toth, J	Member of Staffordshire County Council	Personal
Toth, J	Council's CCTV/Social Alarms Section – Family Connection with Employee	Personal
Toth, J	Member of Heath Hayes and Wimblebury Parish Council	Personal
Davies Mrs. G.M.	Member of Rugeley Town Council	Personal
Reynolds, S.	Member of Hednesford Town Council	Personal

13. Appointment of Chairman

Consideration was given to the appointment of an Independent Member as Chairman of the Sub-Committee.

Of the Independent Members present at the meeting, Mr. Beeso and Mr. King indicated that they did not wish to be considered for appointment as Chairman.

Councillor Mrs. P. Williams moved that Mr. Betteridge be appointed as Chairman, which was seconded. Councillor J. Toth moved that Mr. Elliott be appointed, which was seconded.

At this point both Mr. Betteridge and Mr. Elliott left the meeting whilst Members discussed the appointment of the Chairman.

On Mr. Betteridge and Mr. Elliott returning to the meeting, the voting of the Independent Member to be Chairman of the Sub-Committee was undertaken by a secret ballot.

RESOLVED:

That Mr. R. Betteridge be appointed as the Chairman of the Parish Council's Standards Sub-Committee.

14. Minutes

RESOLVED:

That the Minutes of the meeting held on 16 August, 2006 be approved as a correct record.

15. Government Consultation on the Proposed Revisions to the Model Code of Conduct

Consideration was given to the report of the Monitoring Officer (Enclosure 5.1 – 5.5 of the Official Minutes of the Council).

Following consideration of the report, Members made the following comments in relation to the proposed revisions to the Model Code of Conduct:

"1. 2(2) *A member must not –*

(a) do anything which may seriously prejudice his or her authority's ability to comply with any of its statutory duties under the equality enactments (as defined in section 33 of the Equality Act 2006);

Members understood the reasons for changing the provisions relating to equality but did not find the revised wording helpful. It was requested that it be re-written

so that the meaning was clear on reading the paragraph without the need to refer to legislation such as the Equality Act 2006.

2. *2(2) A member must not –*

(b) bully any person

Members considered that a definition of bullying should be included. In the absence of a definition, it was imperative that the Standards Board for England should issue guidance as soon as possible.

3. *3 A member must not -*

(a) disclose information given to him or her in confidence by anyone, or information acquired which he or she believes is of a confidential nature, except where -

(iii) the disclosure is -

(aa) reasonable and in the public interest

(bb) made in good faith and does not breach any reasonable requirements of the authority.

Members considered that the provision relating to disclosure was reasonable but that it should be supplemented by a definition of 'the public interest'.

4. *4(1) A member must not in his or her official capacity, or any other circumstances, conduct himself or herself in a manner which could reasonably be regarded as bringing his or her office or authority into disrepute.*

(2) The conduct referred to in paragraph (1) may include a criminal offence including one committed by the member before taking office but for which he or she is not convicted until after that date.

Members supported this revision.

5. *Code of Recommended Practice on Local Authority Publicity*

Members considered that the Code was useful as it provided guidance on the legislation and the use of Council resources for publicity.

6. *Removal of the duty to report breaches of the Code of Conduct*

Members supported the removal of this duty.

7. 7 *A member has a personal interest in any matter where -*
- (a) *it relates to -*
 - (vi) *any gift or hospitality over the value of £25 received by the member.*
- 8(3) *A member with a personal interest of the type mentioned in paragraph 7(a)(vi) need not disclose the nature or existence of that interest to the meeting if the interest was registered more than five years before the date of the meeting*

Members support this change but expressed concern at the five-year period before the interest could be considered 'spent'.

8. 7 *A member has a personal interest in any matter where -*
- (c) *a decision on the matter might reasonably be regarded as affecting the well-being or financial position of -*
 - (i) *the member, one of the member's family or a friend, or any person with whom the member has a close personal association;*

Members support this change but requested that guidance be issued as soon as possible to clarify the words 'a close personal association'.

9. 7 *A member has a personal interest in any matter where -*
- (c) *a decision on the matter might reasonably be regarded as affecting the well-being or financial position of -*
 - to a greater extent than the majority of -*
 - (aa) *in the case of authorities with electoral divisions or wards, other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;*
 - (cc) *in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.*

Members generally supported this change but considered that the provisions of the Code needed clarifying in view of the comments within the consultation document. This specified that for Parish Councils the Government envisages the 'area' being the whole of the Parish area. i.e. falling within (cc) above. However, a number of the Parishes within the area of Cannock Chase Council were divided into Wards and under the provisions of the Code would therefore fall within (aa). This could

result in different provisions applying to the Parishes within the area of Cannock Chase Council and the Government was requested to reconsider this wording to ensure clarity.

10. *8 (2) A member with a personal interest in a matter which is a public service interest, need only disclose to that meeting the existence and nature of that interest when he or she addresses the meeting on that matter.*
- (7) In this paragraph –*
- (a) a member has a public service interest in a matter where that matter relates to*
- (i) another relevant authority of which he or she is a member*
- (ii) another public authority in which he or she holds a position of general control or management, or*
- (iii) a body to which he or she is appointed or nominated by the authority*

Members welcomed the introduction of a 'public service interest' but considered that the provisions in paragraph 11(3) of the proposed Code as to when a member may or may not have a 'prejudicial interest' in respect of a 'public service interest', which would preclude his/her taking part, needed clarifying.

11. *8(5) Where, by virtue of paragraph 13, sensitive information relating to a member is not registered in the authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) a member with a personal interest must indicate to the meeting that he or she has a personal interest but need not disclose the sensitive information to that meeting*

Members supported the provision which allowed sensitive information not to be disclosed on the Register of Interests but considered it would be helpful if guidance could be issued as to what information needed be declared at a meeting".

RESOLVED:

- (A) That the contents of the report be noted.
- (B) That the Monitoring Officer, in consultation with the Vice-Chairman of the Sub-Committee, be authorised to submit a formal response to the Department of Communities and Local Government, as appropriate, based on the Sub-Committee's comments as outlined in paragraphs 1 - 11 above.

16. Updates from the Monitoring Officer

Consideration was given to the report of the Monitoring Officer (Enclosure 6.1 – 6.2 of the Official Minutes of the Council).

RESOLVED:

- (A) That the Monitoring Officer continue to liaise with each of the Parish/Town Councils regarding training in relation to the DVD "Local Investigations and Hearings".
- (B) That the issue of the guidance booklet in relation to the Code of Conduct be deferred pending the adoption of the revised Code of Conduct by the Parish/Town Councils.

17. Work Programme 2007-08

Members noted those items to be included in the Work Programme for 2007-08 but did not identify any specific items to be considered at the next meeting.

CHAIRMAN