



CANNOCK CHASE COUNCIL

ANNUAL COUNCIL MEETING

WEDNESDAY, 29 MAY, 2019 AT 4:00 P.M.

COUNCIL CHAMBER, CIVIC CENTRE, BEECROFT ROAD, CANNOCK

Notice is hereby given of the above mentioned meeting of the Council, which you are summoned to attend for the purpose of transacting the business set out on the attached Agenda.

Prior to the commencement of the formal business the following will take place:

- Outgoing Chairman's Remarks, including presentation of Charity cheques.
- Youth Endeavour Award presentation.

Following the conclusion of the meeting, photographs will be taken of the new Chairman etc.

A G E N D A

PART 1

1. Apologies

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

To declare any interests in accordance with the Code of Conduct.

Members should refer to the guidance included as part of this agenda.

3. Election of Chairman of the Council

To elect a Chairman of the Council for the municipal year 2019-20.

4. Election of Vice-Chairman of the Council

To elect a Vice-Chairman of the Council for the municipal year 2019-20.

5. Minutes

To confirm the Minutes of the meeting of the Council held on 17 April, 2019, Minute Nos. 89 – 98; and Page Nos. 49 – 52.

6. The Chairman's Announcements and Correspondence

7. The Leader's Announcements and Correspondence

8. Form and Composition of the Cabinet

To receive notification from the Leader of the Council of the number and identity of Cabinet Members and their portfolios (Item 8 – TO FOLLOW).

9. Leader of the Opposition

To receive confirmation of acceptance of office from the Leader of the Opposition.

10. Form and Composition of the Shadow Cabinet

To receive notification from the Leader of the Opposition of the number and identity of Shadow Cabinet Members and their shadow portfolios (Item 10 – TO FOLLOW).

11. Allocation of Seats to Committees and Other Bodies

Report of the Managing Director (Item 11.1 – 11.4).

12. Appointment of Members, Chairmen and Vice-Chairmen to the Council's Committees, Sub-Committees and Other Bodies 2019-20

Council is requested to consider:

- (i) The appointment of Chairmen and Vice-Chairmen to Committees, Sub-Committees and Other Bodies, provided that advance notification of any Political Group's proposed Chairmen, Vice-Chairmen and membership has been circulated by the Proper Officer to all Members at least 24 hours prior to the Annual Meeting;
- (ii) The appointment of Councillors to Committees as proposed by each of the Group Leaders.

(A schedule setting out the proposed Committees memberships together with the nominations for Committees Chairmen and Vice-Chairmen will be circulated to all Members at least 24 hours before the Annual Council meeting).

13. Indemnities to Members and Officers

Report of the Monitoring Officer (Item 13.1 – 13.6).

14. Representatives on Outside Bodies 2019-20

Report of the Managing Director (Item 14.1 – 14.4).

(A schedule setting out the proposed nominations to seats on Outside Bodies will be circulated to all Members at the Annual Council meeting).

15. Recommendations Referred from Cabinet, Committees etc.

To consider the following recommendation to Council agreed by the Planning Control Committee at its meeting held on 15 May, 2019, in respect of:

Proposed Amendment to the Local Protocol for Planning Decision Making for Officers to Request Site Visits on Planning Applications, Tree Preservation Orders and Enforcement Cases (Draft Minute No. 160)

"That Council be recommended to amend the Local Protocol for Planning Decision Making as follows:-

7.8 Inspections can be made to sites which are the subject of planning applications, TPOs or enforcement cases in the following circumstances:

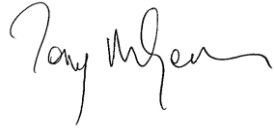
- (i) When Officers recommend an inspection in advance of producing a report so that it the Chairman, or in their absence, the Vice-Chairman of the Committee agrees the inspection can take place on the day the Committee meets to consider the report on the application."

A copy of the accompanying report can be viewed via the following link:

www.cannockchasedc.gov.uk/council/meetings/agendas-reports-minutes/112/2019-05-15

16. Appointment of Interim Monitoring Officer

Report of the Leader of the Council (Item 16.1 –16.2).



T. McGovern,
Managing Director

20 May, 2019

GUIDANCE ON DECLARING PERSONAL, PECUNIARY AND DISCLOSABLE PECUNIARY INTERESTS AT MEETINGS

DEFINITION OF WHAT IS A PERSONAL, PECUNIARY AND DISCLOSABLE PECUNIARY INTEREST

A PERSONAL INTEREST is one where your well-being or financial position, or those of a member of your family or any person with whom you have a close association would be affected to a greater extent than the majority of Council Tax payers, ratepayers, or inhabitants of the electoral ward(s) affected by the decision. You automatically have a personal interest if you have given notice in the Register of Members' Interests, e.g. if you are appointed to an outside body by the Council.

A PECUNIARY INTEREST is a personal interest where the matter:

- a) affects your financial position or that of a member of your family or any person with whom you have a close association or a body in which you have registered in the Register of Members Interests or
- b) relates to the determining of any consent, licence, permission or registration in relation to you or any person with whom you have a close association or a body in which you have registered in the Register of Members Interests

and, in either case, where a member of the public knowing the facts would reasonably regard the interest as so significant it is likely to affect your judgement of the public interest

A DISCLOSABLE PECUNIARY INTEREST is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) in respect of employment, office, trade, profession or vocation carried out for profit or gain; sponsorship; contracts; land; licences; corporate tenancies; or securities, as defined with the Localism Act, 2011.

PLEASE MAKE IT CLEAR WHETHER IT IS A PERSONAL, PECUNIARY OR DISCLOSABLE PECUNIARY INTEREST.

It would be helpful if, prior to the commencement of the meeting, Members informed the Monitoring Officer of any declarations of interest, of which you are aware. This will help in the recording of the declarations in the Minutes of the meeting.

DECLARING INTERESTS AT FULL COUNCIL

The Code of Conduct requires that personal interests where you have a personal interest in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

Some items will be mentioned in the papers for full Council but are not actually being considered by Full Council. In such circumstances the Monitoring Officer's advice to Members is that there is no need to declare an interest unless the particular matter is mentioned or discussed. As a general rule, Members only need to declare an interest at full Council in the following circumstances:

- Where a matter is before the Council for a decision and / or
- Where the matter in which the Member has an interest is specifically mentioned or discussed at the Council meeting.

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE COUNCIL
HELD IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
AT 4:00 P.M., WEDNESDAY, 17 APRIL, 2019

PART 1

PRESENT: Councillors:

Witton, P.T. (Chairman)
Stretton, Mrs. P.Z., M.B.E. (Vice-Chairman)

Adamson, G.	Johnson, T.B.
Allt, Mrs. A.	Kraujalis, J.T.
Allen, F.W.C.	Lea, C.I.
Bennett, C.	Lyons, Miss O.
Buttery, M.S.	Martin, Mrs. C.E.
Cartwright, Mrs. S.M.	Mitchell, Mrs. C.
Cooper, Miss J.	Peake, Mrs. C.L.
Crabtree, S.K.	Preece, J.P.T.L.
Davis, Mrs. M.A.	Smith, C.D.
Dudson, A.	Snape, D.J.
Dudson, Miss M.J.	Snape, P.A.
Fisher, P.A.	Startin, P.D.
Foley, D.	Sutherland, M.
Freeman, Miss M.A.	Tait, Ms. L.
Grice, Mrs. D.	Todd, Mrs. D.M.
Hewitt, P.M.	Wilkinson, Ms. C.L.
Hoare, M.W.A.	Woodhead, P.E.
Johnson, J.P.	

89. Apologies

Apologies for absence were submitted for Councillors G. Alcott, J.L. Bowater and Mrs. H.M. Sutton.

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

No other Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

91. Minutes

RESOLVED:

That the Minutes of the meeting held on 6 March, 2019, be approved as a correct record and signed.

92. Chairman's Announcements and Correspondence

(i) Chairman's Charity Collection

The Chairman advised that a collection box was circulating for Members to make a donation to support his fundraising. At the meeting held on 6 March, 2019 a total of £33 was received, and he thanked Members for their donations.

(ii) Petition

The Chairman received a petition from Councillor P.M. Hewitt on behalf of residents requesting a bus shelter in Hednesford Road, Heath Hayes. The Chairman advised that the petition would be forwarded to Councillor J.P.T.L. Preece, Environment Portfolio Leader, for review.

(iii) Monitoring Officer Retirement

The Chairman advised Members that Alistair Welch, Monitoring Officer and Council Solicitor would be retiring at the end of May, and the meeting would be the last full Council meeting he would attend at Cannock Chase Council.

The Chairman asked Members to join him in thanking Alistair for all his help and support over the years, particularly during meetings of Council. The Chairman joked that members would particularly miss his clear explanation of voting rules for the Council Budget.

All Members wished Alistair a long and happy retirement.

(iv) Members Not Standing for Re-election

Through the Chair, the Leader of the Council moved that Members should note the service given by those Members who were not standing for re-election at the upcoming elections. He felt sure that all of them had carried out their duties with the best interests of the residents of Cannock Chase at heart.

Councillors P.A. Snape (C) and Mrs. A. Allt (C), each of whom had served 8 years; and Councillors J.L. Bowater (C); Miss M.J. Dudson (L); C.I. Lea (C); and Mrs. C.L. Peake (C), each of whom had served 4 years.

Councillor Snape also took the opportunity to thank the Chairman for the hard work he had put in throughout his term of office.

93. Questions Received under Council Procedure Rule 8

No Questions were submitted in accordance with Council Procedure Rule 8.

94. Recommendations Referred from Cabinet, Committees etc.

- (i) Consideration was given to the recommendation made to Council by the Cabinet, at its meeting held on 14 March, 2019, in respect of the 'Priority Delivery Plans 2019/20', as detailed under item 6(i) of the Council agenda.

RESOLVED:

That the Priority Delivery Plans for 2019/20 be adopted and approved for publication.

- (ii) Consideration was given to the recommendation made to Council by the Planning Control Committee, at its meeting held on 20 March, 2019, in respect of the 'Public Speaking on Planning Applications, Tree Preservation Orders and Enforcement Cases', as detailed under item 6(ii) of the Council agenda.

RESOLVED:

That the Local Protocol for Planning Decision Making, which forms part of the Constitution, be amended so that the deadline by which speakers have to register to speak be extended to 15:00 hours on the Monday before the Planning Control Committee due to take place on the Wednesday.

95. Motions Received under Council Procedure Rule 6

No Motions were submitted in accordance with Council Procedure Rule 6.

96. Comments and Questions on Part 1 Minutes of Cabinet, Committees, Sub-Committees and Panels under Council Procedure Rule 9

No comments or questions on Part 1 Minutes had been submitted in accordance with Council Procedure Rule 9.

97. Constitution Amendments

Consideration was given to the Report of the Monitoring Officer (Item 9.1 – 9.47 of the Official Minutes of the Council).

The Leader moved an additional amendment to the Council Procedure Rules (in respect of the election of the Leader of the Council), which was duly seconded, as follows:

Rule 4A.(1)(f) insert at end of sentence – “in accordance with the provisions set out in Part 2, Section 6, Paragraph 6.3 of the Constitution;”.

[Though not strictly relevant to the report, some Members expressed concerns about the inconvenience caused by the date of the Annual Council Meeting being moved back a week to 29 May, as a result of the European Parliamentary Election having been called on 23 May.]

RESOLVED (by a majority):

That:

- (A) The proposed amendments to the Constitution, as detailed in Appendix 1 of the report, and the additional amendment as moved above, be approved.
- (B) The revised Financial Regulations, as included at Appendix 2 of the report, be approved.

98. Comments and Questions on Part 2 Minutes of Cabinet, Committees, Sub-Committees and Panels under Council Procedure Rule 9

No comments or questions on Part 2 Minutes had been submitted in accordance with Council Procedure Rule 9.

The meeting closed at 4.20 p.m.

CHAIRMAN

Report of:	Managing Director
Contact Officer:	Steve Partridge
Telephone No:	01543 464588
Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 29/05/19

**ANNUAL COUNCIL
29 MAY 2019
ALLOCATION OF SEATS TO COMMITTEES AND OTHER BODIES**

1 Purpose of Report

- 1.1 Council is requested to determine the allocation of seats to different Political Groups duly constituted, to the Council's Committees and Other Bodies, which remain unchanged as a result of this being a fallow year in the cycle of local elections.

2 Recommendations

- 2.1 That the allocation of seats to the different Political Groups to the Council's Committees and Other Bodies as set out in Appendix 1 be confirmed, in order that the appointment of Chairmen, Vice-Chairmen and Members to Committees and Other Bodies can be subsequently considered later on the agenda of this meeting.

3 Key Issues and Reasons for Recommendation

- 3.1 Council is required to confirm the allocation of seats to the different Political Groups in order that the appointment of Chairmen, Vice-Chairmen and Members to Committees and Other Bodies can be subsequently considered on the agenda of the Annual Council meeting.

4 Relationship to Corporate Priorities

- 4.1 The Council through its democratic process supports the Council's Corporate Priorities.

5 Report Detail

- 5.1 The Local Government and Housing Act 1989 (and further regulations since) requires the Council to allocate seats to the political parties in accordance with the political balance rules. The Council has previously determined that the size of the Council's Committees is fixed at the start of the Municipal year and remains fixed for that year. In the event of any changes to party membership or a vacancy occurring during the course of the year, the size of Committees would not change; the only change would be the allocation of seats to political parties in accordance with the political balance rules.
- 5.2 Council is required to consider the allocation of seats to the different Political Groups in relation to the Council's Committees and other bodies, so as to give effect to and reflect, so far as reasonably practicable, the political balance of the Members of the Council.
- 5.3 Under agenda item 12 of this meeting, Council will be asked to consider and confirm the appointment of Chairmen, Vice-Chairmen and Members to Committees as proposed by each of the Group Leaders in accordance with a political balance calculation that has previously been circulated to them.

6 Implications**6.1 Financial**

None.

6.2 Legal

The Council has a duty under Section 15(3) of the Local Government and Housing Act, 1989 ('the Act'), to determine the allocation to the different political groups into which the Members of the Council are divided of all the seats which fall to be filled by appointments made from time to time by the Council.

Section 15(4) and (5) of the Act places a further duty upon the Council, in performing its obligations under subsection (3) above, to determine the allocation to different political groups of seats on Cabinet, Committees, and Other Bodies, so as to give effect, so far as reasonably practicable, to the following principles:

- (a) that not all the seats are allocated to the same political group;
- (b) that the majority of the seats are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of the Council which are allocated to each political group bears the same proportion to the total of all the seats on the

ordinary committees of the Council as is borne by the number of members of that group to the membership of the Council; and

- (d) subject to paragraphs (a) to (c) above, that the number of the seats which are allocated to each political group bears the same proportion to the number of all the seats on Cabinet, Committees and Other Bodies as is borne by the number of members of that group to the membership of the Council.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

None.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

None.

6.8 Equality & Diversity

None.

6.9 Best Value

None.

7 Appendices to the Report

Appendix 1 Political Balance Calculation as at 29 May, 2019.

ITEM NO. 11.

POLITICAL BALANCE / ALLOCATION OF SEATS ON COMMITTEES ETC. - FOR ANNUAL COUNCIL MEETING ON 29 MAY, 2019

COMMITTEE	SEATS	18				15				5				3				TOTAL
		Pro Rata	Pre-Change (Actual or Equiv)	Proposed	Diff	Pro Rata	Pre-Change (Actual or Equiv)	Proposed	Diff	Pro Rata	Pre-Change (Actual or Equiv)	Proposed	Diff	Pro Rata	Pre-Change (Actual or Equiv)	Proposed	Diff	
Council	41	18	(05/18)			15	(05/18)			5	(05/18)			3	(05/18)			41
All Committees	91	39.95	47	40	-7	33.29	33	33	0	11.10	7	11	4	6.66	4	7	3	91
* Planning Control	15	6.59	8	7	-1	5.49	5	5	0	1.83	1	2	1	1.10	1	1	0	15
* Licensing & Public Protection	10	4.39	5	4	-1	3.66	4	4	0	1.22	1	1	0	0.73	0	1	1	10
Audit & Governance	7	3.07	4	3	-1	2.56	2	2	0	0.85	1	1	0	0.51	0	1	1	7
Standards	7	3.07	3	3	0	2.56	3	3	0	0.85	0	1	1	0.51	1	0	-1	7
Scrutiny Committees																		
* Corporate	13	5.71	7	6	-1	4.76	5	5	0	1.59	1	1	0	0.95	0	1	1	13
* Promoting Prosperity	13	5.71	7	6	-1	4.76	5	5	0	1.59	1	1	0	0.95	0	1	1	13
* Wellbeing	13	5.71	7	6	-1	4.76	4	4	0	1.59	1	2	1	0.95	1	1	0	13
* Community	13	5.71	6	5	-1	4.76	5	5	0	1.59	1	2	1	0.95	1	1	0	13
ACTUAL SEAT ALLOCATION		39.95	47	40	-7	33.29	33	33	0	11.10	7	11	4	6.66	4	7	3	91
** TU Consultative Forum	7	3.07	4	3	-1	2.56	3	3	0	0.85	0	0	0	0.51	0	1	1	7
** Appeals & Complaints Panel	5	2.20	3	2	-1	1.83	2	2	0	0.61	0	1	1	0.37	0	0	0	5
** Appointments Panel	9	3.95	5	4	-1	3.29	3	3	0	1.10	1	1	0	0.66	0	1	1	9
** Constitution Working Group	6	2.63	3	3	0	2.20	2	2	0	0.73	1	1	0	0.44	0	0	0	6
Total	27	11.85	15	12	-3	9.88	10	10	0	3.29	2	3	1	1.98	0	2	2	27

KEY:

* These Committees shall have named substitutes of one Councillor from each political group

** Although not a Council Committee, political balance calculation applies

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Report of:	Monitoring Officer
Contact Officer:	Ian Curran
Telephone No:	01785 619 220
Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 29/05/19

**ANNUAL COUNCIL
29 MAY 2019
INDEMNITIES TO MEMBERS AND OFFICERS**

1 Purpose of Report

- 1.1 To advise Members of the legal position in relation to potential personal liabilities of Members and Officers and to seek approval for an appropriate form of indemnity to protect against such risks.

2 Recommendation

- 2.1 That the Council provide an indemnity to all Members and Officers in the terms set out in Appendix 1 to this report.

3 Key Issues and Reasons for Recommendations

Key Issues

- 3.1 The Local Authorities (Indemnities for Members and Officers) Order 2004 gave Councils the power to provide indemnities to its Members and officers.
- 3.2 As participation in outside bodies and partnership working becomes increasingly important, so is the need to consider provision of adequate assurances to Members and Officers taking an active participation in outside bodies at the Councils request.
- 3.3 The Council (or external body's) insurance policy already provides quite comprehensive cover in this regard. However, there may be claims that insurance cover does not extend to and to which it would be reasonable to provide an indemnity.

Reasons for Recommendations

- 3.4 To ensure that Members and officers are not subject to unreasonable personal liabilities when acting in good faith on behalf of the Council.

4 Relationship to Corporate Priorities

- 4.1 The Council, through its democratic process, contributes to the Council's Corporate Priorities and promotes community engagement through the appointment of representatives to outside bodies.

5 Report Detail

- 5.1 The Council nominates Members and officers to a number of outside bodies. There will be occasions when, although a Member or officer is appointed to another body by the Council, the nature of their position in the outside body will mean there will be a potential for personal liability.
- 5.2 In particular, Council Members or officers appointed to act as directors, trustees or similar positions in outside bodies can be exposed to personal liabilities, with the extent of risk depending on their role and nature of the body in which they act. For example, in the case of a trust, they may be liable if they deliberately or recklessly take actions in breach of trust or without having taken appropriate advice; or in the case of a limited company, they may be personally liable for the company's business liabilities and be fined, prosecuted or disqualified as a company director if they do not discharge their director's responsibilities. Officers and Members are increasingly concerned about the personal liability that may be attached to them from performing their duties.
- 5.3 Section 39 of the Local Government (Miscellaneous Provisions) Act 1976 gives statutory protection to individual Members and officers in respect of claims by third parties for acts and omissions committed whilst the Member or officer is acting under Council authority in good faith. However, this does not afford protection where the Member is not acting under the authority of the Council.
- 5.4 The Local Authorities (Indemnities for Members and Officers) Order 2004 gives the Council the power to indemnify Members and officers in relation to any action, or failure to act, which is
- (a) authorised by the authority (i.e. as in paragraph 5.3 above), or
 - (b) forms part of, or arises from, any powers conferred, or duties placed, upon a member or officer, as a consequence of any function being exercised by that member or officer (i) at the request of, or with the approval of the authority or (ii) for the purposes of the authority.
- 5.5 This could, therefore cover situations where the Member or officer acts in good faith on an outside body in consequence of a Council appointment, but is not acting under the Council's direct authority.
- 5.6 The Council currently holds a comprehensive insurance policy covering the work of Members and officers acting on behalf of the Council, including where they sit on outside bodies on behalf of the Council. However, it does not cover matters that aren't related to the business of the Council. For example, if the Member

acted as a trustee or board-member of an outside body other than through appointment by the Council.

- 5.7 Furthermore, notwithstanding the existence of insurance cover, where a Member or officer is sued personally in respect of a matter in which they have been involved on behalf of the Council, they may still need to incur expense in defending the proceedings if for example insurers decline to take over conduct of the action because they believe it is frivolous.
- 5.8 The indemnity would not apply where the outside body already covers the risk through its own insurance.
- 5.9 The indemnity would not cover criminal acts, or any other intentional wrongdoing, fraud, recklessness, or the bringing of any action in defamation. The indemnity can cover the costs of defending criminal or defamation proceedings, but any costs in relation to defending criminal proceedings would need to be repaid if the Member or officer were convicted.
- 5.10 The indemnity can cover actions which are beyond the powers of the authority, provided that the member or officer in question believes that the action, or failure to act, is within the powers of the authority.

6 Implications

6.1 Financial

Members and officers already have the benefit of statutory protection from third party claims where they act under the Councils authority. The Council already insures against risks from members/officers acting on outside bodies on its behalf. The indemnity is designed to cover any gaps in such protection which may arise even though Members/officer act in good faith. Any such claims will be rare but could be substantial if they were to occur.

6.2 Legal

As set out in the report.

6.3 Human Resources

Details of implications or "None".

6.4 Section 17 (Crime Prevention)

None.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

Providing an indemnity will give assurances to members and officers acting in good faith on outside bodies at the request of the Council. Failure to provide an indemnity could discourage members or officers from undertaking these roles and responsibilities.

6.8 Equality & Diversity

None.

6.9 Best Value

None.

7 Appendices to the Report

Appendix 1: Cannock Chase District Council – Indemnity to Members and Officers

Cannock Chase District Council - Indemnity to Members and Officers

- 1 The Cannock Chase District Council ("The Authority") will provide an indemnity to all of its Members (including independent Members serving on a Standards Committee) and Officers (that is, all employees of the Authority) on the terms set out in this document.
- 2 The Authority will indemnify all Members and Officers against all claims, liabilities, costs and expenses arising out of any action, or failure to act, by the Member or Officer in question which is authorised by the Authority or which forms part of, or arises from any powers conferred, or duties placed, upon that Member or Officer (whether or not, when exercising that function, he/she does so in his/her capacity as a Member or Officer of the Authority), so long as the action or failure to act is undertaken at the request of, with the approval of, or for the purposes of the Authority.
- 3 This indemnity does not cover any action, or failure to act, by any Member or Officer which constitutes a criminal offence, or is the result of fraud or other deliberate wrongdoing, or recklessness on the part of that Member or Officer. It does cover:
 - (a) subject to paragraph 6, the cost of defending any criminal proceedings against the Member or Officer; and
 - (b) subject to paragraph 7, costs incurred in relation to any investigation, report, reference, adjudication or other proceedings in relation to any allegation that a Member has failed to comply with the Authority's code of conduct for Members; and
 - (c) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.
- 4 This indemnity does not cover the making by any Member or Officer of any claim in relation to alleged defamation, but does cover the defence by a Member or Officer of any allegation of defamation made against him/her.
- 5 This indemnity covers any action or failure to act by any Member or Officer which is subsequently found to be beyond the powers of the Authority, or beyond the powers of the Member or Officer in question, but only to the extent that the Member or Officer reasonably believed, at the time in question, that the act or omission in question was within the powers of the Authority, and within his/her powers. Where the action taken comprises the issuing or authorisation of any document containing any statement as the powers of the Authority, or any statement that certain steps have been taken or requirements fulfilled, this indemnity applies only if the Member or Officer reasonably believed, at the time in question, that the contents of that statement was true.
- 6 In the case of criminal proceedings, if the Member or Officer is convicted of a criminal offence, and that conviction is not overturned following any appeal, the

Member or Officer shall reimburse the Authority (or any insurer who has made payments in this regard) for any sums expended in relation to the proceedings.

- 7 In the case of the proceedings referred to in paragraph 3b above, if the Member admits, or is found to have failed to comply with the code of conduct, and that finding is not overturned following any appeal, the Member shall reimburse the Authority (or any insurer who has made payments in this regard) for any sums expended in relation to the proceedings.
- 8 The Council may in its absolute discretion withdraw the indemnities if:
 - (a) the Member or Officer does not notify the Councils Monitoring Officer immediately he/she is notified of the claim;
 - (b) the Member or Officer makes any admission to or negotiates or agrees any settlement with a third party without the prior written consent of the Councils Monitoring Officer.
- 9 The indemnities shall not apply in respect of all claims falling within the cover provided to Members or Officers under any policy of insurance taken out by the Council (or any other body for which the Member or Officer was acting in respect of the claim).

Report of:	Managing Director
Contact Officer:	Steve Partridge
Telephone No:	01543 464588
Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 29/05/19

**ANNUAL COUNCIL
29 MAY 2019
REPRESENTATIVES ON OUTSIDE BODIES 2019-20**

1 Purpose of Report

- 1.1 To consider the appointment of representatives to outside bodies for 2019-20 as set out in the schedule of nominations to be circulated at the Annual Council Meeting.
- 1.2 To confirm the Managing Directors authority to make appointments to any other outside bodies throughout the municipal year and amend as necessary, in accordance with the arrangements as set out in paragraph 3 of this report.

2 Recommendations

- 2.1 That Council determine the appointment of representatives to outside bodies for 2019-20.
- 2.2 That the Managing Director, in consultation with the Political Group Leaders, makes additional appointments and amendments to any outside bodies, as necessary, throughout the municipal year.
- 2.3 That, in the event of the Political Group Leaders failing to agree on a nomination(s) to an outside body (as referred to in paragraph 2.2 above) the appointment will be a matter for determination by the Council.
- 2.4 That, subject to paragraph 2.2 above, the Managing Director when appointing representatives to outside bodies, be authorised to determine which of the appointments should be classed as an 'approved duty' for the purposes of claiming travelling and subsistence expenses.

3 Key Issues and Reasons for Recommendations

- 3.1 Each year the Council is required to appoint representatives to a number of outside bodies. A schedule of those bodies to which the Council appoints representatives together with nominations is usually circulated at the Annual Council Meeting.
- 3.2 For practical purposes, i.e. to avoid the need to report the matter to full Council on every occasion, Council is also requested to delegate authority to the Managing Director to make appointments to any additional outside bodies, and amend as necessary, throughout the municipal year, on receiving nominations from the Political Group Leaders.
- 3.3 Should Council agree to delegating authority to the Managing Director to appoint representatives to outside bodies, then further delegated authority is sought for the Managing Director to determine those appointments that are to be classed as an 'approved duty' for the purposes of the nominated representative claiming travelling and subsistence expenses.

4 Relationship to Corporate Priorities

- 4.1 The Council, through its democratic process, contributes to the Council's Corporate Priorities and promotes community engagement through the appointment of representatives to outside bodies.

5 Report Detail

- 5.1 In September 2008, the Council amended as part of the Constitution the procedure for the receipt of nominations for outside bodies by the Political Group Leaders. In doing so, Group Leaders are required to submit their nominations to the Managing Director at least 48 hours prior to the commencement of the Annual Council Meeting. Following receipt of the nominations, no amendments shall be permitted. Therefore, a copy of the schedule, detailing the nominations received, will be circulated at the Annual Council Meeting.
- 5.2 For information, details of the number of meetings of outside bodies called during the preceding 12 month period, together with details of the attendance of those appointed to such bodies has been provided to each of the Political Group Leaders prior to them submitting their nominations. However, it should be noted that this information may not provide an accurate picture of attendance / representation because, for example, the body may have met only infrequently / has failed to meet at all during the period; or has not fed back details of attendance on request.
- 5.3 Determination of appointments to representatives on outside bodies is a matter for Council in the first instance. The Managing Director has consulted with Political Group Leaders to agree nominations. In the event that there should be failure to agree a nomination(s) full Council will be required to determine the matter.

- 5.4 The recommendations also propose delegation to the Managing Director, in consultation with the Political Group Leaders, to make appointments to any additional outside bodies as may be required, and to the Managing Director to determine which should be classed as an approved duty.
- 5.5 Council is requested to consider the appointment of representatives to outside bodies for 2019-20 as set out in the schedule to be circulated at the Annual Council Meeting.

6 Implications

6.1 Financial

There are no direct financial implications arising from this report. Any costs which arise from appointments determined as an approved duty, and thereby subject to travel and subsistence claims, will have to be met from existing Members' budgets.

6.2 Legal

Unless otherwise specified by statute, Section 101 of the Local Government Act 1972 empowers the Council to arrange for the discharge of any of its functions by an officer of the Council.

The Local Government Act 1972, Section 101(1) provides that:

subject to any express provision contained in this act or any act passed after this Act, a local authority may arrange for the discharge of any of their functions –

(a) by a committee, a sub-committee or an officer of the authority...”

Council can therefore delegate the appointment of representatives on outside bodies to the Managing Director.

Should the appointment relate to executive functions, then the power to delegate the making of such appointments to the Managing Director rests with Cabinet in accordance with Section 14 of the Local Government Act, 2000.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

None.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

None.

6.8 Equality & Diversity

None.

7 Appendices to the Report

Appendix 1 Proposed Nominations to Council Appointed Outside Bodies for 2019-20 (to follow)

Report of:	Leader of the Council
Contact Officer:	Tony McGovern
Telephone No:	01543 464553
Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 29/05/19

**ANNUAL COUNCIL
29 MAY 2019
APPOINTMENT OF INTERIM MONITORING OFFICER**

1 Purpose of Report

- 1.1 To appoint a Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989.

2 Recommendations

- 2.1 That Ian Curran, Interim Head of Law and Administration, be appointed as the Monitoring Officer for Cannock Chase District Council.

3 Key Issues and Reasons for Recommendations

- 3.1 Section 5 of the Local Government and Housing Act 1989, requires the Council to designate one of its Officers to be known as the Monitoring Officer.
- 3.2 A new Monitoring Officer is required to be appointed due to the imminent retirement of the current office-holder.

4 Relationship to Corporate Priorities

- 4.1 The appointment of a Monitoring Officer is a statutory requirement.

5 Report Detail

- 5.1 Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers to be known as the Monitoring Officer.
- 5.2 The position has been held since by Stafford Borough Council's Head of Law and Administration since 2010 under Shared Services arrangements. The

current post-holder is due to retire at the end of May 2019, and therefore an alternative officer needs to be appointed.

- 5.3 It is the duty of the Monitoring Officer to report any instances where it appears to them that a contravention of any enactment or rule of law, or maladministration has arisen, or will arise, due to any proposals, decisions or omissions by the Authority (or those persons or committees acting under its control).
- 5.4 It is the duty of the Council to provide the Monitoring Officer with such staff, accommodation and other resources as are, in the officer's opinion, sufficient to allow the duties under paragraph 5.3 to be performed.

6 Implications

6.1 Financial

None.

6.2 Legal

As set out in the report.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

None.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

The Monitoring Officer's role is crucial to ensuring legal risk is managed appropriately throughout the Council.

6.8 Equality & Diversity

None.

7 Appendices to the Report

None.