



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

THURSDAY, 14TH AUGUST 2008, AT 6.00 P.M.

CONFERENCE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Independent Members: Mrs. N. E. Trigg (Chairman), Mr. N. A. Burke (Vice-Chairman) and Mr. S. E. Allard
Councillors: Miss. D. H. Campbell JP, S. P. Shannon and E. C. Tibby
Parish Councils' Representatives: Mr. J. Cypher and Mr. I. A. Hodgetts

Observer: Mr. S. Malek (Non-voting Deputy Parish Councils' Representative)

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meetings of the Standards Committee held on 20th May 2008 and 12th June 2008 (Pages 1 - 14)
4. Council Decisions on Standards Committee Matters (Pages 15 - 18)

To inform the Committee of the decisions made by the Council in relation to the Appointment of Independent Members and Parish Councils' Representatives to the Standards Committee.

5. Report on Alleged Breach of the Code of Conduct (Pages 19 - 96)

[Note: the public will be formally excluded from the meeting at the point at which the Committee makes its deliberations on the above matter and the following resolution will be passed:

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the Committee's deliberations on the grounds that they will involve the likely disclosure of exempt information as defined in Paragraph 7C of Part 1 of Schedule 12A to the Act, as amended, and that it is in the public interest to do so."

6. Monitoring Officer's Update Report

To receive an update from the Monitoring Officer on matters of relevance to the Committee, and to include the following:

- (a) Member Investigations/associated matters;
- (b) Complaints for Local Assessment; and
- (c) Member Training.

7. Parish Councils' Representatives Update Report

To receive an update from the Parish Councils' Representatives on matters of relevance to the Committee.

8. Local Assessment - Assessment Criteria and Issues Arising (Pages 97 - 98)

To consider the Assessment Criteria for use by the Assessment Sub-Committee and any issues which have arisen as part of the local assessment process to date.

9. The Impact of the Ethical Framework for Local Government in England (Pages 99 - 104)

To advise the Committee of the Council's selection for, and participation in, a five-year case study, commissioned by the Standards Board for England and to be undertaken by the Centre for Local & Regional Government Research at Cardiff University, on the impact and effectiveness of the ethical framework for local government.

10. Work Programme (Pages 105 - 110)

To consider the Work Programme for the Committee.

11. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

30th July 2008

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

TUESDAY, 20TH MAY 2008 AT 2.00 P.M.

PRESENT: Mrs. N. E. Trigg (Chairman - Independent Member), Councillor S. P. Shannon, Mr. S. E. Allard (Independent Member), Mr. N. A. Burke (Independent Member) and Mr. J. Cypher (Parish Councils' Representative)

Subject Member: Councillor C. J. Tidmarsh

Investigating Officer: Mrs. V. Brown

Officers: Mrs. S. Sellers and Ms. D. Parker-Jones

Observer: Councillor E. C. Tibby

1/08 **APOLOGIES FOR ABSENCE**

Following a change to the membership of the Committee, an apology for absence was received from Councillor Miss. D. H. Campbell JP, who had replaced Councillor C. R. Scurrrell on the Committee.

The Chairman further advised that, as the complainant in the matter under consideration, Councillor E. C. Tibby would not be participating in the proceedings.

2/08 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

3/08 **FINAL DETERMINATION OF ALLEGATIONS OF FAILURE TO FOLLOW THE CODE OF CONDUCT**

The Committee considered a report on alleged failures to follow the Code of Conduct.

On 22nd November 2007 the Standards Board for England had referred to the Monitoring Officer for local investigation three allegations, made by Councillor E. C. Tibby, that Councillor C. J. Tidmarsh had failed to comply with the Code of Conduct, in that at a meeting of the Planning Committee on 16th July 2007 Councillor Tidmarsh had: failed to declare a prejudicial interest; misused his official position and acted improperly to seek to secure an advantage for a friend; and failed to correctly declare a personal interest.

A report of the Investigating Officer dated 27th March 2008, which had found in respect of two of the allegations that Councillor Tidmarsh had not failed to follow the Code and in respect of one allegation that Councillor Tidmarsh had

failed to follow the Code, was considered. The Committee was asked to consider whether, based on the facts set out in the report, it agreed with the Investigating Officer's findings.

RESOLVED:

- (a) that in respect of the first allegation that Councillor Tidmarsh failed to correctly declare his interest in planning application B/2007/0498, Councillor Tidmarsh failed to comply with the Code as alleged but no sanction be imposed as it was felt that Councillor Tidmarsh had made a genuine mistake which had led him to make an inaccurate declaration;
- (b) that in respect of the second allegation that Councillor Tidmarsh failed to declare a prejudicial interest in planning application B/2007/0498, Councillor Tidmarsh did not fail to comply with the Code as alleged; and
- (c) that in respect of the third allegation that Councillor Tidmarsh misused his official position and acted improperly to seek to secure an advantage for a friend, Councillor Tidmarsh did not fail to comply with the Code as alleged.

(A copy of the Committee's full decision, together with the reasons for it, is appended.)

The meeting closed at 4.36 p.m.

Chairman

Standards Committee Hearing 20th May 2008

Standards Board for England ("SBE") Ref: 20011.07

Introduction

SBE reference number:	SBE: 20011.07
Date of report:	27th March 2008
Name of Member:	Councillor J Tidmarsh
Name of Member's representative:	N/A
Relevant authority concerned:	Bromsgrove District Council
Ethical Standards Officer:	Ms J Rogers
Investigating Officer:	Mrs V Brown
Date of the hearing:	20th May 2008
Names of Standards Committee members:	Mrs. N. E. Trigg (Chairman) Mr. S. E. Allard Mr. N. A. Burke Mr. J. Cypher Councillor S. P. Shannon
Standards Committee Legal Adviser:	Mrs. S. Sellers
Committee Services Officer:	Ms. D. Parker-Jones

Details of referral and findings of the Investigating Officer

The referral from the ethical standards officer (ESO)

On 22nd November 2007 the ESO referred 3 allegations about Councillor Tidmarsh to the Monitoring Officer for investigation. The allegations were investigated by Mrs. V. Brown, Solicitor, who prepared a report of her findings.

The Investigating Officer reached the conclusion that in relation to two allegations there had been no failure to comply with the Code of Conduct. These two allegations are listed at (a) and (b) below.

In relation to the third allegation listed at (c) below the Investigating Officer reached the conclusion that there had been a breach of the Code of Conduct and under paragraph 5(7)(d) of the Regulations the Investigating Officer referred her report to the Standards Committee for a hearing in accordance with the Regulations.

Summary of the Allegations

That Councillor Tidmarsh failed to comply with the Council's Code of Conduct (namely the code of Conduct adopted by the Council in 2002) in that at a meeting of the Planning Committee on 16th July 2007 he:-

- a) Failed to declare a prejudicial interest in item B/200/0498 in relation the the Crossroads Garage on Kidderminster Road; and
- b) That at the same meeting of the Planning Committee Councillor Tidmarsh misused his official position and acted improperly to seek to secure an advantage for a friend; and
- c) That at the same meeting Councillor Tidmarsh failed to correctly declare a personal interest in relation to application B/2007/0498.

Procedure followed by the Standards Committee on 20th May

As the Investigating Officer's report contained findings of both non breach and breach, following consultation with the subject member it was agreed that all matters would be considered by the Standards Committee on 20th May in a hearing in two parts; in the first part of the hearing the two findings of non breach would be considered (allegations (a) and (b)), and provided that these findings were agreed by the Committee then in the second part of the hearing the Committee would consider the finding of breach (allegation (c)).

PART ONE – INVESTIGATING OFFICER’S FINDINGS OF NO BREACH

Section1: The allegations

1.1 As referred to above, the Investigating Officer reached the conclusion that in relation to two allegations there had been no failure to comply with the Code of Conduct. For ease of reference those two allegations were that at a meeting of the Planning Committee on 16th July Councillor Tidmarsh:-

- a) Failed to declare a prejudicial interest in item B/200/0498 in relation to the Crossroads Garage on Kidderminster Road; and
- b) That at the same meeting of the Planning Committee Councillor Tidmarsh misused his official position and acted improperly to seek to secure an advantage for a friend.

Section 2: Decision

2.1 The Standards Committee reached the following decision:

That having considered the Investigating Officer’s report and specifically the findings of no breach in relation to allegations (a) and (b) the Committee resolved that Councillor Tidmarsh had not failed to comply with the Code of Conduct.

The reasons for the Committee’s decision are as follows:-

- In respect of allegation (a) there was no need for Councillor Tidmarsh to have made any declaration as there was no personal interest.
- In respect of allegation (b) the Committee agreed with the Investigating Officer’s view that although the comments were misguided that Councillor Tidmarsh did not act improperly.

No legal advice was given in this part of the Hearing.

PART TWO – INVESTIGATING OFFICER’S FINDING OF BREACH

Section 1: The allegation

- 1.1 As referred to above, the allegation in relation to which the Investigating Officer made a finding of breach related to point (c) above namely that at a hearing of the Planning Committee on 16th July Councillor Tidmarsh failed to comply with the Code of Conduct in that he failed to correctly declare a personal interest in relation to application B/2007/0498.
-

Section 2: Oral and written submissions (procedural)

- 2.1 No oral or written submissions were made.
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Section 3: Findings of fact

- 3.1 **The following facts in the Investigating Officer’s report were undisputed and the standards committee finding of facts are:**

The facts set out in paragraphs 4.1 to 4.24 of the Investigating Officer’s report.

Section 4: Decision on whether the Code was breached

4.1 Summary of submissions by Councillor Tidmarsh

- 4.1.1 That he had mistakenly confused the identities of the owner of the site (Mr Naveed) whom he did not know and the owner of the adjoining business (Mr Narang) whom he had bought some gates from 15 years ago and subsequently met at two social events.
- 4.1.2 That based on this mistake he had failed to correctly declare his personal interest in this matter as he referred to knowing “the applicant as a friend” which was plainly wrong. He actually knew the objector as a friend and did not know the applicant at all. He only realised the mistake as to the identity of the two individuals at a later date. He stated that he regretted

his actions and expressed his apologies to Mr Naveed and Mr Narang (both of whom were present at the hearing in the public gallery).

- 4.1.3 Councillor Tidmarsh did not dispute that there had been a breach of the Code of Conduct. At the time he thought he was acting properly by making the declaration but he acknowledged that he had wrongly identified Mr Naveed.

4.2 Summary of submissions by the Investigating Officer

- That confusing the identity of Mr Naveed and Mr Narang resulted in Councillor Tidmarsh making an inaccurate declaration of interest.
- That there is no specific part of the Code covering this type of error and the SBE were not able to give any general guidance other than to consider the alleged breach in the context of the facts of the case.
- That in applying that test Mrs Brown was of the view that the Code of Conduct had been breached in that it is implicit that any declarations made must be accurate; this is necessary for the dual purpose of both protecting elected members and conducting decision making in a way which is transparent to members of the public. In this case the declaration made was inaccurate as to the identity of the person named and the Councillor's relationship with them, therefore Mrs Brown was of the opinion that the Code had been breached.

4.3 The Standards Committee's decision on whether or not there has been a breach of the Code

- 4.3.1 The Standards Committee reached the following decision after considering the submissions of the parties:

- That the Committee is in agreement with the Investigating Officer's finding the Councillor Tidmarsh made a technical breach of the Code of Conduct by making an inaccurate personal declaration.
- However the Committee noted that the inaccurate declaration arose due to Councillor Tidmarsh making a genuine mistake and that there was no intention on his part to mislead.
- The Committee further noted that Councillor Tidmarsh had during the hearing publicly apologised for any embarrassment caused to Mr Naveed and Mr Narang over this matter.

- 4.3.2 The relevant sections of the Code of Conduct are:

Paragraphs 8 and 9 and the general principle underpinning the Code of Conduct that its purpose is to uphold standards on public life and that therefore all declarations made under the Code must be accurate.

4.3.3 The Standards Committee's reasons for this decision were:

That it agreed with the Investigating Officer that whilst there us no specific part of the Code covering this type of error, the Code was breached in that it is implicit that any declarations made must be accurate.

4.4 Details of legal advice given

None.

Section 5: Sanction

5.1 None imposed as the Standards Committee were in agreement that Councillor Tidmarsh made a genuine mistake as to the identity of Mr Naveed and Mr Narang which lead him to make an inaccurate declaration

Section 6: Right to appeal

6.1 Councillor Tidmarsh has the right to apply in writing to the President of the Adjudication Panel for England for permission to appeal the Standards Committee's findings. The President of the Adjudication Panel must receive written notice requesting permission to appeal within 21 days of the receipt by Councillor Tidmarsh of notification of the Standards Committee's finding.

Section 7: Recommendations to the authority

7.1 The Committee wish to emphasise to all Members that they should avoid making unnecessary or inaccurate declarations. Where there is an element of doubt in Members' minds as to the nature, if any, of their interest, the Committee urges Members to seek advice from the Monitoring Officer preferably, prior to the relevant meeting.

.....
Chairman of the Standards Committee

Dated:

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

THURSDAY, 12TH JUNE 2008 AT 6.00 P.M.

PRESENT: Independent Members: Mr. S. E. Allard, Mr. N. A. Burke and Mrs. N. E. Trigg
Councillors: Miss D. H. Campbell JP, S. P. Shannon and E. C. Tibby
Parish Councils' Representatives: Mr. J. Cypher and Mr. I. A. Hodgetts

Observers: Councillors S. R. Peters and R. D. Smith

Officers: Mrs. C. Felton, Mrs. D. Warren and Ms. D. Parker-Jones

4/08 **ELECTION OF CHAIRMAN**

RESOLVED that Mrs. N. E. Trigg be elected Chairman of the Committee for the ensuing municipal year.

5/08 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Mr. N. A. Burke be elected Vice-Chairman of the Committee for the ensuing municipal year.

6/08 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

7/08 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

8/08 **MINUTES**

The minutes of the meeting of the Standards Committee held on 28th April 2008 were submitted.

RESOLVED that the minutes be approved as a correct record.

9/08 **MONITORING OFFICER'S UPDATE REPORT**

Member Investigations/associated matters

Members were advised of the outcome of a Final Determination hearing which had taken place on 20th May 2008, for which it was noted there were no ongoing implications. Of the three current investigations which were taking place under the former regime, two (one relating to a district councillor and the other to a parish councillor) were due to have Investigating Officer reports completed on 16th June and 29th June respectively, both of which were on

target for completion. The third (relating to a district councillor) had been retained by the Standards Board for England (SBE) for investigation, the completion date of which was not yet known and in respect of which the SBE had not contacted the Council since officers had responded to SBE queries on 1st May 2008.

Complaints for Local Assessment

A total of 5 complaints had been received since the introduction of local assessment on 8th May 2008, the initial of which had been considered at the first meeting of the Standards Assessment Sub-Committee which had taken place earlier that evening and which had not resulted in referral for investigation. The remaining complaints were due to be considered at a meeting of the Assessment Sub-Committee on 18th June 2008.

Member Training

Officers advised that the Member Development Steering Group was due to meet the following week and would be looking at the training programme for Members for the year ahead, with specific training being established on a quarterly basis. Following recent changes to the Constitution, the Group needed to determine the core elements of what was required in order for Members to sit on each of the Council's committees with effect from 1st September 2008. Mock Council and Value for Money training had recently taken place, with further sessions due to be held on: the Code of Conduct; Planning (appeals and beginners); Licensing; Chairing Meetings (to include the Independent Members on the Standards Committee); Standards Committee and Members' Interests. Equality and Diversity training, on a county wide basis, had also taken place, and officers were due to visit two of the Parish Councils shortly to assist with any training requirements.

Standards Board for England guidance on Local Assessment of Complaints

The Standards Board guidance on Local Assessment of Complaints was noted. Officers advised that the local assessment process had been advertised in the press, with a further article due appear in the next issue of the Council's Together Bromsgrove publication and details of the new regime to be found on the Council's website. A query was raised in relation to page 12 of the guidance which stated that if an authority was responsible for any parish councils there should be a minimum of three parish council representatives on its standards committee. Officers advised that this was guidance only and that legislation required there to be only two such representatives.

First Annual Report of the Standards Committee

A copy of the final draft of the Committee's First Annual Report was tabled at the meeting. Officers advised that there were still a couple of gaps of information to be completed and members of the Committee were asked to direct any comments on this to officers by the end of the following week. A request was made for authority to be delegated to the Monitoring Officer, in

consultation with the Chairman, for any further required changes to be made to the Report. Regarding publicity of the Report, officers advised that this would appear on the Council's website, with a link to be sent to all Parish Council clerks and hard copies to be placed in the Council House reception, Customer Service Centre and all public libraries in the District. An announcement would be made at full Council advising Members of the existence of the Report, with copies also to go in the Members' Room, and a request was made for a supply of hard copy Reports to be sent to each of the Parish Council clerks.

The Chairman stated that the aim of the Report was to raise the profile of the Committee and to ensure the public was aware of the work of the Committee in view, in particular, of the introduction of local assessment of complaints against parish and district councillors. It was queried whether in view of both the need to raise the profile of the Committee and the forthcoming Independent Member vacancy, there was any merit in the Chairman being interviewed by the local press, which officers agreed to look into and report back on.

RESOLVED:

- (a) that the updates provided be noted; and
- (b) that authority be delegated to the Monitoring Officer, in consultation with the Chairman of the Standards Committee, to make any further required changes to the First Annual Report of the Standards Committee.

10/08 **PARISH COUNCILS' REPRESENTATIVES UPDATE REPORT**

Mr. Cypher advised that at the last meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC), it had been agreed that both himself and Mr. Hodgetts be put forward as nominees to serve on the Standards Committee for 2008/09, with Mr. S. Malek having been nominated as the Deputy Parish Councils' Representative. The nominations would be considered at the meeting of the Council on 16th July 2008.

RESOLVED that the update provided in relation to Parish Councils' Representatives on the Standards Committee be noted.

11/08 **LOCAL ASSESSMENT - COMPOSITION OF SUB-COMMITTEES**

The Committee considered a report which provided an update on the Standards Board for England guidance on the composition of sub-committees of standards committees, and which also sought a minor amendment to the composition of the Standard Committee's Final Determination Sub-Committee.

RESOLVED that the composition of the Standards Committee's Final Determination Sub-Committee be amended to allow up to two parish councillors to sit on the Final Determination Sub-Committee when the subject member is a parish councillor.

12/08 **APPOINTMENT OF INDEPENDENT MEMBERS**

The Committee was asked to consider a report on issues affecting the appointment of independent members to the Standards Committee, including how vacancies for independent members should be advertised, the information which should be provided to prospective candidates and the selection criteria to be applied, with recommendations to be made to the Council in this regard.

Members did not wish for any recruitment pack to be too onerous and felt that an application form might not be necessary. Details regarding the role and function of the Committee were deemed to be useful, as was the selection criteria. In addition to advertising in the local press, the Committee felt that it would be useful, should timings permit, for an article to be included in the Together Bromsgrove publication, which was issued to all households in the District.

RECOMMENDED:

- (a) that authority be delegated to the Monitoring Officer, in consultation with the Chairman of the Standards Committee, to compile a suitable recruitment pack for prospective independent members of the Standards Committee;
- (b) that authority be delegated to the Monitoring Officer, in consultation with the Chairman or Vice-Chairman of the Standards Committee, to undertake shortlisting of candidates for vacancies for independent members of the Standards Committee;
- (c) that in cases where, following shortlisting, there is only one suitable candidate, authority be delegated to the Monitoring Officer, in consultation with the Chairman or Vice-Chairman of the Standards Committee, to make a recommendation to the Council; and
- (d) that in cases where there are two or more shortlisted candidates, authority be delegated to the Appointments Panel to interview shortlisted candidates, with the assistance of the Chairman or Vice-Chairman of the Standards Committee who shall act in an advisory (but non-voting) capacity, and to make a recommendation to the Council.

13/08 **REVIEW OF THE CODE OF CONDUCT**

Members were asked to review the operation of the Code of Conduct since its adoption by the Council on 17th July 2007 and to decide if any further action was required in respect of both the Council and parish councils within the District. The Chairman commented that it might be useful for any future Code of Conduct training session to include some of the decisions reached by the Council's Standards Committee, particularly where such decisions related to a technical breach of the Code. It was noted that any trends in complaints received for alleged breaches of the Code might result in recommendations being put forward to the Member Development Steering Group for training for all Members - both at district and parish level, and that such data would also be useful in making Members think about the relevance of making certain complaints and for them to have regard to the time and costs involved in the process.

Members were not in favour of making the Code any more onerous or prescriptive than it currently was and felt that more time was needed, particularly in view of the recent introduction of local assessment, to see how the new Code operated. Accordingly, the proposed amendment detailed at paragraph 3.7 of the report was not supported.

RESOLVED subject to the comments in the preamble above, no amendments be made to the Code of Conduct at this stage and the Code be reviewed in due course once this has been in operation for a sufficient period of time.

14/08 **ANNUAL OMBUDSMAN STATISTICS**

A report setting out provisional information on the annual statistics compiled by the Local Government Ombudsman's office on complaints recorded against the Council during the twelve month period ending 31st March 2008 was submitted. Officers reported that the statistics were significantly better than in the previous year, with there being only one local settlement in 2007/08 compared to seven local settlements in 2006/07. It was noted that the statistics relating to neighbouring authorities had not been published at that stage and that these would be referred to the Committee once available.

RESOLVED:

- (a) that the report be noted; and
- (b) that the Ombudsman statistics relating to neighbouring authorities be referred to the Standards Committee once these were available.

15/08 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme, which included an additional item on a twelve month review of the local assessment process. Members felt that it would be useful for the meeting on 14th August 2008 to proceed and, subject to any additional business arising in the interim, for the meeting to be used to review any matters which had arisen as part of the local assessment process.

RESOLVED:

- (a) that the Work Programme be approved; and
- (b) that the meeting scheduled for 14th August 2008 proceed.

16/08 **LOCAL ASSESSMENT TRAINING EXERCISE**

Members did not wish to undertake a training exercise on the local assessment of complaints that evening and opted instead to read the case studies and answers circulated in their own time, and to raise any issues which had arisen under local assessment at the next meeting of the Standards Committee on 14th August 2008.

The meeting closed at 7.30 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

14TH AUGUST 2008

COUNCIL DECISIONS - APPOINTMENT OF INDEPENDENT MEMBERS AND PARISH COUCIL REPRESENTATIVES TO THE STANDARDS COMMITTEE

Responsible Portfolio Holder	Councillor Roger Smith
Responsible Head of Service	Claire Felton

1. SUMMARY

To inform the Committee of the decisions made by the Council in relation to the appointment of Independent Members and Parish Council Representatives to the Standards Committee.

2. RECOMMENDATION

That the contents of the report be noted.

3. BACKGROUND

1. Appointment of Independent Members

- 3.1 At its meeting on 12th June 2008 the Standards Committee made a number of recommendations to the Council in relation to the appointment of Independent Members to the Standards Committee.
- 3.2 All of the recommendations put forward by the Committee were approved by the Council at its meeting on 16th July 2007. The Council also considered the term of office that should apply to Independent Members.

It was resolved:

- (a) that authority be delegated to the Monitoring Officer in consultation with the Chairman of the Standards Committee to compile a suitable recruitment pack for prospective Independent Members of the Standards Committee;
- (b) that authority be delegated to the Monitoring Officer in consultation with the Chairman or Vice-Chairman of the Standards Committee to undertake shortlisting of candidates for vacancies for Independent Members of the Standards Committee;

- (c) that in cases where there are two or more shortlisted candidates, that authority be delegated to the Appointments Panel to interview shortlisted candidates, with the assistance of the Chairman or Vice-Chairman of the Standards Committee who shall act in an advisory (but non-voting) capacity, and to make a recommendation to Council;
- (d) that the term of office of Independent Members shall be 4 years;
- (e) that Independent Members may seek reappointment only once;
- (f) that in cases where only one suitable candidate is shortlisted, the Monitoring Officer make a recommendation direct to the Council for that candidate to be appointed.

II. Appointment of Parish Councils' Representatives to the Standards Committee

3.3 At its meeting on the 16th July 2008 the Council considered the appointment of Parish Councils' Representatives to the Standards Committee.

It was resolved:

- (a) that Mr. J. Cypher and Mr. I. Hodgetts be appointed to serve as the Parish Councils' Representatives on the Standards Committee until July 2009; and
- (b) that Mr. S. Malek be appointed to serve as the Deputy Parish Councils' Representative on the Standards Committee until July 2009.

4. FINANCIAL IMPLICATIONS

None.

5. LEGAL IMPLICATIONS

None.

6. COUNCIL OBJECTIVES

This report does not directly link with any of the Council's objectives.

7. RISK MANAGEMENT

There are no risks associated with this report.

8. CUSTOMER IMPLICATIONS

None.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

None.

10. VALUE FOR MONEY IMPLICATIONS

None.

11. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of the Crime and Disorder Act 1998	None
Policy	None
Environmental	None

11. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	No

Head of Organisational Development & HR	No
Corporate Procurement Team	No

12. APPENDICES

None.

13. BACKGROUND PAPERS

Minutes of the meeting of the Standards Committee held on 12th June 2008.

Agenda for the meeting of the Council held on 16th July 2008.

Minutes of the meeting of the Council held on 16th July 2008.

CONTACT OFFICER

Name: Debbie Parker-Jones
Committee Services Officer
Email: d.parkerjones@bromsgrove.gov.uk
Direct line: (01527) 881411

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

14TH AUGUST 2008

REPORT ON ALLEGED BREACH OF THE CODE OF CONDUCT SBE REFERENCE 21308.08

Responsible Portfolio Holder	Councillor Roger Smith
Responsible Head of Service	Claire Felton, Monitoring Officer

1. SUMMARY

An allegation was made that a Parish Councillor (“the Subject Member”) had breached the Code of Conduct. The Standards Board for England (“SBE”) referred the matter for local investigation. The investigation has been completed and the Investigating Officer has made a finding of no failure to comply with the Code of Conduct.

2. RECOMMENDATION

Members are requested to consider the Investigating Officer’s report at Appendix 1. Members may decide either:

- 2.1 to accept the Investigating Officer’s finding of no failure to comply with the Code of Conduct (“a finding of acceptance”); or
- 2.2 that there is a case to answer and that the matter should be considered at a hearing of the Standards Committee.

3. BACKGROUND

3.1 On 17th March 2008 the SBE referred matter 21308.08 for local determination. The details of the allegation are contained within the Investigating Officer’s report at Appendix 1. The Investigating Officer has made a finding of no failure to comply with the Code of Conduct

3.2 The Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 provide that the Standards Committee shall consider the Investigating Officer’s report and that the Committee may make one of two findings, namely:

- to accept the Investigating Officer’s finding of no failure (“a finding of acceptance”); or
- that there is a case to answer and that the matter should be considered at a hearing of the Standards Committee.

- 3.3 The SBE guidance states that at this meeting the Committee should simply consider the report and should not seek to interview witnesses or take representations from the parties or the Investigating Officer. The Committee's role is to decide whether, based on the facts and information set out in the report, it agrees with the finding of the Investigating Officer, making a finding of acceptance, or whether it believes there is a case to answer and that the matter should be considered at a hearing of the Standards Committee.
- 3.4 The Committee is therefore requested to consider the report at Appendix 1.
- 3.5 If the Committee makes a finding of acceptance, the Monitoring Officer will arrange for a notice to be published setting out the Committee's finding and reasons for it. The Subject Member is entitled to ask that the notice is not passed to local newspapers.
- 3.6 If the Committee decides there is a case to answer, a date should be set for a hearing will be held to make a final determination on whether the Code of Conduct was breached. The usual procedures for a full hearing would then apply.

4. FINANCIAL IMPLICATIONS

None.

5. LEGAL IMPLICATIONS

The Local Government Act 2000 ss60-67 provide the statutory framework for the investigation of complaints against Members. The Local Procedure (Code of Conduct) Regulations 2002, Local Authority (Code of Conduct) (Local Determination) Regulations 2003 and the Local Authority (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 govern the conduct of these proceedings.

6. COUNCIL OBJECTIVES

Improvement – it is vital for the reputation and credibility of the Council that complaints against elected Members are seen to be robustly investigated.

7. RISK MANAGEMENT

The main risk associated with the details included in this report is loss of reputation. This risk is being managed as follows:

Risk Register: Legal, Equalities and Democratic Services
Key Objective Ref No: 3
Key Objective: Effective ethical governance

8. CUSTOMER IMPLICATIONS

None.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

None.

10. VALUE FOR MONEY IMPLICATIONS

None.

11. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	Adherence to the Code of Conduct is a key element of sound governance
Community Safety including Section 17 of the Crime and Disorder Act 1998	None
Policy	None
Environmental	None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All wards

14. APPENDICES

Appendix 1 Investigating Officer's Report

15. BACKGROUND PAPERS

Standards Board for England guidance on:

- Standards Committee Determinations
- Local Investigations

CONTACT OFFICER

Name: Claire Felton
Email: c.felton@bromsgrove.gov.uk
Tel: (01527) 881429

INVESTIGATION SBE21308.08

FINAL REPORT DATED 09 JULY 2008

Report of an Investigation conducted under section 66 of the Local Government Act 2000 by Sarah Sellers, Deputy Monitoring Officer, into an allegation concerning Councillor John Puckering Member of Alvechurch Parish Council.

CONTENTS:

1. Summary of the allegation
2. Relevant sections of the Code of Conduct
3. The Investigation
4. Findings of Fact
5. The Issues
6. Reasoning as to whether there has been a Breach of the Code
7. Findings as to whether there has been a failure to comply with the code of Conduct

APPENDICES:

- A. Model Code of Conduct as adopted by Alvechurch Parish Council
- B. Agenda for Parish Council Meeting on 11 February 2008
- C. Minutes of the Parish Council Meeting held on 11 February 2008
- D. Draft Payments List 11 February 2008
- E. Minutes of Finance and General Purposes Committee on 27 November 2006
- F. Draft Budget Report considered at the meeting of the Finance and General Purposes Committee 27 November 2006
- G. Minutes of the Parish Council Meeting held on 11 December 2006

- H. Alvechurch Parish Council Financial Regulations
- I. Grant request letter from Rowney Green Pre School dated 21st January 2008
- J. Extract from minutes database referring to the original grant application by Rowney Green Pre-School dated 10 December 1996
- K. Notes of telephone interview with Parish Clerk Yvonne Goode
- L. Notes of interview with Councillor Puckering
- M. Councillor Puckering's Register of members interest form dated 17 April 2008
- N. Chronology

1. SUMMARY OF THE ALLEGATION

It is alleged by Councillor Mrs June Griffiths that at a meeting of Alvechurch Parish Council on 11 February 2008, Councillor Puckering breached the Code of Conduct by failing to declare an interest in Rowney Green Playgroup. At the meeting Members agreed to send a cheque for £600 to the playgroup; Councillor Puckering's wife is responsible for running the playgroup.

The allegation was reported to the Standards Board on 18 February 2008 and was referred to the Monitoring Officer for local investigation and determination on 17 March 2008 pursuant to section 60(2) of the Local Government Act 2000 and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.

2. RELEVANT SECTIONS OF THE CODE

2.1 On 11 June 2007 Alvechurch Parish Council adopted the Model Code of Conduct as set out in the Schedule to the Local Authorities (Model Code of Conduct) Order 2007.

2.2 A copy of the Code of Conduct is attached at Appendix A. The relevant sections to this investigation are as follows:-

- Paragraph 8 – Personal interests
- Paragraph 9 – Disclosure of Personal Interests
- Paragraph 10 – Prejudicial Interests
- Paragraph 12 – Effect of prejudicial interests on participation

3. THE INVESTIGATION

- 3.1 Copies of the relevant records of the Alvechurch Parish Council were obtained from the Parish Clerk Yvonne Goode and are included in this report as appendices B to J.
- 3.2 The Parish Clerk Yvonne Goode was interviewed by telephone as to the procedures for approval of the annual budget and the payment of cheques. A copy of the notes from the telephone interview are included at Appendix K
- 3.3 Councillor Puckering was interviewed and a note of that interview is at Appendix L. Councillor Puckering has co-operated fully in this investigation.

4. FINDINGS OF FACT

- 4.1 The allegation of failure to declare an interest is in relation to the arrangement whereby Alvechurch Parish Council pays an annual grant to Rowney Green Pre-School. I have investigated the history of this arrangement and the information provided by the Parish Clerk shows that an application for a grant was originally considered and approved on 10th December 1996. The details of the original award are set out in the note from the minutes at Appendix J. This document states that at the time the pre-school requested a grant to ensure it's continuity during a period of lower numbers and changes brought about by the Nursery Voucher scheme.
- 4.2 The grant having first been awarded in 1996 has been paid to the pre-school in every subsequent financial year. The amount has increased from time to time and now stands at £600. By way of additional background information, the Parish Council pays out a number of

grants each year as part of its function to support local community groups. In addition to the payment of the grant of £600 to Rowney Green Pre-School, a grant is also paid to Bear Hill Pre-School for the same amount. The Parish Council uses the facility to make grant payments to support various local voluntary organisations including sports clubs, the carers group and the Historical Society. A list of the organisations which received grant payments in the 07/08 budget is set out on page second page of the draft budget attached at Appendix E.

- 4.2 Although many of the grants are paid year on year this is not an automatic arrangement; the payments are considered and approved as part of the planned expenditure for the budget for each financial year. The budget process is that the Finance and General Purpose Committee (FGPC), which is a sub-committee of the Parish Council will meet to formulate and agree the draft budget. This is usually in October/ November for the following financial year. The draft budget once finalised is then presented to the full Parish Council usually in the month of December. The full Parish Council will then approve and adopt the budget.
- 4.3 With reference to the actual mechanism for the payment of the grant, the normal practice is for the organisation concerned to write to the Parish Clerk to request that the payment is dispatched. This request can be made can be at any time during the relevant financial year. When the letter is received, the Parish Clerk will prepare a cheque and add it to the list of bills for payment to be considered at the next meeting of the full Parish Council. Before the meeting the Vice Chair will check the list and a copy is then circulated to members at the meeting. The cheques to be paid will only be discussed at the meeting for clarification if there are any members who are not sure what the payment is for, or if the Parish Clerk has had to include an item of emergency spending which falls outside of the expenditure approved under the budget process.

4.4 The facts concerning Councillor Puckering's involvement in Rowney Green pre-school are as follows. His wife Rosemary has been involved in the running of the pre-school dating back to the 1990s. The up to date position is that Mrs Puckering is employed by the pre-school as a supervisor. As referred to above, the pre-school is a voluntary organisation. It is parent led and managed by a committee of parents. Councillor Puckering is the chair of the committee but he has no involvement in the day to day operation of the pre-school. His main function is to support the annual general meeting which he chairs. This is the only formal meeting he attends each year. His wife's involvement with the pre-school is well known locally. The central record of Register of Members Interests forms maintained by the Monitoring Officer shows that Councillor Puckering declared his involvement with the pre-school on the most recent form he submitted which was received on 17 April 2008.

4.5 Although the allegation relates to the meeting of the Parish Council which took place on 11th February 2008, the payment in question was approved as part of the 07/08 budget. The relevant meetings at which the 07/08 budget was considered were therefore as follows:-

- 27 November 2006 – meeting of the Finance and General Purpose Committee at which the figures in the draft budget were considered and finalised for subsequent approval by the full Parish Council.
- 11 December 2006 – meeting of the full parish Council at which the draft budget was agreed and accepted in full.

The letter from Rowney Pre-School requesting payment of the 07/08 grant is dated 21st January 2008 (Appendix I) and payment of the cheque was therefore referred to the next meeting of the full Parish

Council on 11th February 2008. Full details are set out in the chronology at Appendix N.

- 4.6 At the meeting of the full Parish Council on 11th February 2008 the draft payments list was circulated in the usual way (Appendix D). No interests in the payments were declared by Councillor Puckering or any other Councillors. When the agenda item on the cheques was reached Councillor Griffiths asked a question for clarification relating to the payment of the grant. The Parish Clerk answered and explained what the cheque was for.
- 4.6 On 18 February 2008 Councillor Griffiths reported the allegation of breach of the Code of Conduct to the Standards Board for England.

5. THE ISSUES

5.1 The issues are:-

- Does Councillor Puckering have a personal interest in any business of the authority affecting Rowney Green pre-school?
- Does Councillor Puckering have a prejudicial interest in any business of the authority affecting Rowney Green pre-school?
- Did the approval by the Parish Council of the list of cheques to be paid on 11 February constitute consideration of “business of the authority” in which Councillor Puckering had an interest, or was the “business of the authority” in regard to the pre-school actually conducted when the decision to award the grant was made as part of the budget setting process?

6. REASONING AS TO WHETHER THERE HAS BEEN A BREACH OF THE CODE

- 6.1 The test for whether a member has a personal interest is set out in paragraph 8 of the Code of Conduct. Based on the facts of this case under paragraph 8 (1) (a) (ii) (bb) Councillor Puckering can be said to be “a member or in a position of general control or management of a body directed to charitable purposes”, namely the pre-school. Under paragraph 13 (1) of the Code, interests which fall within the categories listed at paragraph 8 (1) (a) have to be registered on the register of members interests. Councillor Puckering has included the playgroup in section (ii) on his current Register of Members’ Interests form.
- 6.2 There is also a second strand to the personal interest position in that on the facts of the case a personal interest could also be said to arise under paragraph 8 (1) (b). This is the part of the Code which refers to an interest that is not on the register but where the well-being or financial position of a the elected member or a member of their family is likely to be affected by the business of the authority more than it would affect the majority of people in the ward affected by the decision. I have considered this paragraph but have decided that based on the current circumstances it would only come into effect if Councillor Puckering ceased to be the Chair of the pre-school, in which case the source of his personal interest would then be that his wife is employed by the pre-school.
- 6.3 The position therefore is that a personal interest exists currently under paragraph 8 (1) (a) (ii) (b) and also under paragraph 8 (1) (b). At any time that Councillor Puckering was not the chair of the pre-school, his personal interest would no longer be registerable but he would still have a personal interest provided Mrs Puckering was employed by the pre-school due to the effect of paragraph 8 (1) (b). Under paragraph 9 of the Code of Conduct Councillor Puckering would be required to

declare a personal interest if the business of the authority at a meeting he was attending related to the pre-school.

6.4 The test for when a personal interest becomes a prejudicial interest is set out in Paragraph 10 of the Code of Conduct. There are three parts of the test which have to be satisfied. These are :-

- That the matter being decided does not fall within one of the exempt categories; and
- That the matter affects the financial interests of the elected member or relates to a licensing or regulatory matter ;and
- That a member of the public who knows the relevant facts would reasonably think the elected member's personal interest is so significant that it is likely to prejudice their judgement of the public interest.

6.5 Applying this test to Councillor Puckering, if the business of the authority in question were a decision to pay a grant to Rowney Green pre-school then all three elements of the test would be met. Firstly, the decision is not in the category of exempt matters listed at paragraph 10 (2) (c) . Secondly the decision would affect Councillor Puckering's financial interests. The Guidance issued by the Standards Board in May 2007 sets out examples of this category which include an application for grant funding to a body on an elected member's register of interests. Thirdly, it would be reasonable for a member of the public to think that as chair of the pre-school Councillor Puckering's personal interest is so significant that it is likely to prejudice his judgment of the public interest. I therefore conclude that on a decision to pay a grant to the pre-school Councillor Puckering would have a prejudicial interest. In compliance with the Code he would therefore need to declare his interest and leave the room while the matter was decided (Paragraph 12).

6.6 Turning then to the meeting of the Parish Council on 11th February 2008, the next question is whether the business of the authority was such that Councillor Puckering should have declared an interest. I have considered this element of the investigation carefully and I have concluded that there was no requirement for Councillor Puckering to declare an interest. My reasoning for reaching this view is as follows:-

6.6.1 The key question is what was the nature of the business of the authority on 11 February 2008. It is clear that the budget process which approved the payment had been concluded many months previously and the task which remained was for the payment to be made. The Parish Council is a small organisation and unlike the District Council does not have a large support staff to administer its finances. The position therefore is that in accordance with paragraph 5 of the Alvechurch Parish Council Financial Regulations, the procedure is for the schedule of payments to be "authorised" at the meeting of the Parish Council. In a larger Council clearly this stage would be dealt with by officers behind the scenes and my view is that the authorisation of cheques is an administrative process albeit that it takes place at the meeting.

6.6.2 Looking back to prior to the meeting on 11th February, the actual decision to fund the grant was made in two stages at the meeting of the Finance and General Purposes Committee on 26th November 2006 and at the subsequent meeting of the full Parish Council on 11th December 2006. In my view these are the occasions when the business of the authority included a decision which affected the personal interest of Councillor Puckering.

6.6.3 I am reinforced in my view by the evidence received from both the Parish Clerk and Councillor Puckering. The Parish Clerk explained to me very clearly that the cheque in question was a standard item of expenditure approved under the budget setting process in Nov/ Dec

2006. She saw this process as distinct from the procedure whereby the payment was actually sent out. This is a separate procedure, the rules for which are set out in the Financial Regulations. For accounting purposes and to guard against fraud, the system for payment of cheques is such that the clerk cannot sign for them herself, and instead they need to be signed by two councillors. The clerk was in agreement with the proposition that this process was better described as an administrative exercise rather than an actual decision to award a grant. She explained that she would not expect Councillors to declare an interest in the items on the cheque list and queries would be for information only. The sole exception to this rule is when there has been an item of emergency expenditure which has not been approved under the budget process and the payment would be received by a Councillor or a member of their family for example.

6.6.4 When I met with Councillor Puckering he too was very clear that under the procedures currently in place the members of the Parish Council would not expect to be required to declare an interest in the agenda item at meetings for the authorisation of the cheque list. The reason for this is that the decision would have already been made as part of the budget process; the authorising of the cheque was a separate administrative procedure. He went on to explain that he is aware that he has a prejudicial interest in decisions to make financial grants to Rowney Green pre-school, and if this matter is debated at a meeting he is attending he is aware of his duty to declare an interest and leave the room until the matter has been decided. He informed me that this is the practice which he always follows at meetings if the pre-school is discussed.

7. FINDINGS AS TO WHETHER THERE HAS BEEN A FAILURE TO COMPLY WITH THE CODE

7.1 For the reasons set out in paragraphs 6.6 above I find that at the meeting of the Parish Council on 11 February 2008 the business of the authority was not a decision to make a payment to Rowney Green pre-school. The authorisation of the payments list was an administrative function required as part of the financial procedures of the Council. As the Council were not considering business which affected a personal interest of Councillor Puckering, it follows that there was no requirement for him to declare an interest either personal or prejudicial. Accordingly my finding is that in failing to declare an interest Councillor Puckering did not breach the Code of Conduct.

7.2 As stated in paragraph 6.5, the dates on which the business of the authority affected the personal interest of Councillor Puckering were the meeting of the Finance and General Purposes Committee on 26 November 2006 and the subsequent full meeting of the Parish Council on 11 December 2006. I have not investigated what interests were declared on those occasions. Such enquiries would fall outside the remit of this investigation which is limited to exploring the allegation regarding what happened on 11 February 2008.

Sarah Sellers
Senior Solicitor
09 July 2008

ALVECHURCH PARISH COUNCIL CODE OF CONDUCT

Adopted 11/06/2007

under minute 07/083 from the

Local Authorities (Model Code of Conduct) Order 2007 No.1159

THE MODEL CODE OF CONDUCT
FOR PARISH AND TOWN COUNCILS

Part 1

General provisions

Introduction and interpretation

1.—(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State (see Annexure to this Code).

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

“meeting” means any meeting of—

(a) the authority;

(b) any of the authority’s committees or sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member and an appointed member.

(5) References to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.—(1) You must treat others with respect.

(2) You must not—

- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(a) 2006 c.3.

- (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority’s reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. Paragraph 7 does not apply to your authority.

Part 2

Interests

Personal interests

- 8.—(1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
 of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority’s area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority’s area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority’s area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

- (i) (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; or
 - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority 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.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

10.—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) this sub-paragraph does not apply to your authority;
 - (ii) this sub-paragraph does not apply to your authority;

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11. Paragraph 11 does not apply to your authority.

Effect of prejudicial interests on participation

12.—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee; and

- (b) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13.—(1) Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Annexure - The Ten General Principles

The general principles governing your conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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Appendix B

ALVECHURCH PARISH COUNCIL
16 THE SQUARE, ALVECHURCH, B48 1LA
Tel/fax : 0121 447 8016
e-mail : clerk@alvechurch.gov.uk

Clerk – Yvonne Goode

Notice of meeting

MEMBERS OF THE PARISH COUNCIL ARE SUMMONED TO ATTEND
THE NEXT PARISH COUNCIL MEETING TO BE HELD AT
THE COMMUNITY CENTRE, REDDITCH ROAD, HOPWOOD

MONDAY 11th FEBRUARY 2008, 7.30PM

This meeting is open to members of the public and the press. Members of the public have the opportunity to address the council on matters of public interest during the first fifteen minutes of the meeting.

Yvonne Goode, Clerk
7th February 2008

ALVECHURCH PARISH COUNCIL
16 THE SQUARE, ALVECHURCH, B48 7LA
Tel/fax : 0121 447 8016
e-mail : clerk@alvechurch.gov.uk

Clerk – Yvonne Goode

AGENDA

1. Apologies for absence
2. Declarations of interest
3. Reports from Alvechurch ward District/County Councillors
4. To approve the minutes of the previous meeting held 14/01/08
5. Clerk's report, including report of complaints, emergency expenditure and matters arising from previous meeting, including:
 - 5.1 Grants application the Wiggin Memorial application
 - 5.2 Street lighting maintenance initial survey.
 - 5.3 Invitation to Civic Buffet
 - 5.4 Strategic Housing Land Availability Assessment by Redditch Borough Council
 - 5.5 Outstanding items
6. Chairman's report
 - 6.1 Alvechurch Neighbourhood Community Group review meeting
7. Finance Report
 - 7.1 Notification of auditor
 - 7.2 Councillors expenses
 - 7.3 To consider payment of bills.
8. Committee/working party/meeting reports, minutes circulated since last meeting –
 - 8.1 Planning Committee meetings held 15/01/08 and 04/02/08
 - 8.2 Wiggin Memorial Plying Field Committee held 21/01/08
 - 8.3 Parish Plan Working Party held 23/01/08
 - 8.4 Finance & General Purposes Committee held 28/01/08
 - 8.5 Youth and Charities Committee held 29/01/08. To consider proposal for the bus stop to be repainted by the youth of the village.
 - 8.6 Working party for public parking at the Sports & Social Club held 30/01/08
9. Reports from representatives to other bodies, as attended. To include:
 - 9.1 To consider nomination for representation to the CPRE
 - 9.2 Alvechurch Community Group 24/01/08
10. To consider approval of Precept proposal
11. To consider Parish Plan Review
12. To consider MUGA siting consultation
13. Information exchange, Councillors' questions, and agenda items for the next meeting, as received.
14. Date and time of next meeting, to be held on Monday 10th March 2008, at 7.30 pm, at Hopwood Community Centre.

Notes to support the Agenda for the Parish Council meeting on 11/02/08

Agenda item 1: Apologies for absence. Please advise the clerk or another councillor if you intend to be absent from this meeting.

Agenda item 2: Declarations of interest

If you believe you have an interest – either prejudicial or personal - in any of the items listed in this agenda, please advise the meeting at this stage in the proceedings.

A personal interest is one where the councillor has some relationship with the item under discussion of greater significance than any other member, ie the matter affects the well-being or financial position of you, your relatives or your friends more than it would affect other people in the parish. The nature of the relationship must be disclosed, and if the interest is not prejudicial, the member may remain and take part in the meeting.

A prejudicial interest is one in which, in the view of anyone in full possession of the facts, the public interest would be compromised if the member stayed in the meeting, ie it is so significant that it is likely to affect your judgement of the public interest. As a prejudicial interest is also a personal interest, the nature prompting the prejudicial interest must still be declared, and you must leave the room and take no part in discussion of the item.

Also a reminder: to those members who need to alter their entry in the Register of Interests – please advise the Monitoring Officer of any changes within 28 days.

Agenda item 3: Reports from Ward District/County Councillors As attending.

Agenda item 4: Approval of minutes of the meeting held 14/01/08.

Agenda item 5: Clerk's report:

5.1 Grants application the Wiggin Memorial application. An application was submitted recently to County Councillor G Lord for a grant of £3500 to assist with a new section of safety surface at the Wiggin memorial Playing field. The Clerk has been advised that the application was unsuccessful

5.2 Street lighting maintenance. The detailed survey has now been received and is currently being reviewed by Cllr Thurrell.

5.3 An invitation to a Civic Buffet Reception for the Chair and Clerk has been issued by BDC Chair Janice Boswell. The event is to be held 12/03/08

5.4 Strategic Housing Land Availability Assessment by Redditch Borough Council. A questionnaire has been received asking if we are able to identify any site with potential for housing and invited APC to have further input into the Assessment

5.5 Outstanding items include:

5.5.1 Traffic calming issues. County Councillor G Lord and Jon Fraser have been contacted again about their availability for a meeting.

5.5.2 Street light removal at St Laurence Churchyard. A meeting of the Committee has been held recently where this was raised.

Agenda item 6: Chairman's report

6.1 Meeting to review the performance of the Alvechurch Neighbourhood Community Group held 28/01/08.

Agenda item 7: Finance report.

7.1 APC has been notified by the Audit Commission that Clement Keys has been appointed as external Auditor for a five year period.

7.2 Councillors expenses. An expense form is enclosed in your pack. Please complete and return this to the Clerk by 24/03/08 to allow cheques to be drawn before the end of the financial year. A list of meetings is available in the office If any Councillor needs to check Parish Council meetings. An electronic version of the form is also available.

7.3 To consider payment of bills, as per list attached.

Agenda item 8: Committee reports

- 8.1 All Councillors should have received minutes of the Planning Committee meetings held 15/01/08 and 04/02/08
- 8.2 All Councillors should have received minutes of the Wiggin Memorial Playing Field Committee held 21/01/08
- 8.3 All Councillors should have received notes of the Parish Plan Working party review held 23/01/08. Please see agenda item 11 below,
- 8.4 All Councillors will receive minutes of the Finance & General Purposes Committee held 28/11/07.
- 8.5 All Councillors will receive minutes of the Youth and Charities Committee held 29/01/08. To consider proposal for the bus stop to be repainted by the youth of the village.
- 8.6 All Councillors will receive notes of the working party meeting for public parking at the Sports & social Club meeting held 30/01/08

Agenda item 9: Reports from representatives to other bodies, as attended.

- 9.1 To consider nomination for representative to CPRE
- 9.2 Alvechurch Neighbourhood Community Group 24/01/08

Agenda item 10: To consider approval of Precept Proposal

The draft Precept was submitted to the F& GP Committee 28/02/07. No additional comments have been received. To approve the Precept as discussed at that meeting. A copy of the Budget and Precept document are attached.

Agenda item 11: To consider Parish Plan Review

Please refer to the proposal attached

Agenda item 12: To consider MUGA siting consultation

To agree that Alvechurch Parish Council welcomes the consultation organised by Bromsgrove District Council on the preferred site for the MUGA. As an aid to the consultation it will declare its preferred site at the Parish Council meeting on 11 Feb. 2008 and publicise that view accordingly.

To agree that Alvechurch Parish Council considers evidence and local opinion and decides its preferred site for the location of the MUGA.

Agenda item 13: Information Exchange, Councillor's Questions and agenda items for the next meeting. No questions have been notified.

Agenda item 14: Date and time of next meeting, the next meeting is to be held on Monday 11th March 2008, at 7.30 pm.

ALVECHURCH PARISH COUNCIL
16 THE SQUARE, ALVECHURCH, B48 7LA
Tel/fax : 0121 447 8016
e-mail : clerk@alvechurch.gov.uk

Clerk – Yvonne Goode

MINUTES OF THE PARISH COUNCIL MEETING

HELD MONDAY 11th FEBRUARY 2008, 7.30pm

AT THE COMMUNITY CENTRE, REDDITCH ROAD, HOPWOOD

08/017 Present: Cllrs J Puckering, S Caddick J Cypher, D Farlow, J Griffiths, D Matthews, P McHugh, A Willetts, T Thurrell, T Wallis

In Attendance: Y Goode, Clerk
District Cllr J Luck

08/018 Apologies: Apologies received and accepted from Cllr R Hollingworth, District Cllr J Luck

08/019 Declarations of Interest: None.

08/020 Reports from District /County Ward Councillors:
None

08/021 Minutes of the previous meeting:
The minutes of the meeting held 14/01/2008 were agreed and signed.

08/022 Clerk's report:

- .1 Grants application the Wiggin Memorial application. An application was submitted recently to County Councillor G Lord for a grant of £3500 to assist with a new section of safety surface at the Wiggin memorial Playing field. The Clerk has been advised that the application was unsuccessful
- .2 Street lighting maintenance. The detailed survey has now been received and is currently being reviewed by Cllr Thurrell. The Clerk is to request further information about the methodology of testing and to enquire about sonic testing for the concrete columns and dipstick testing for the steel columns. Approximately 20 have been identified as needing immediate further testing/action. If these are to be replaced this could require a budget of £30,000.
- .3 An invitation to a Civic Buffet Reception for the Chair and Clerk has been issued by BDC Chair Janice Boswell. The event is to be held 12/03/08
- .4 Strategic Housing Land Availability Assessment by Redditch Borough Council. A questionnaire has been received asking if we are able to identify any site with potential for housing and invited APC to have further input into the Assessment. Cllr Griffith outlined land at Bordesley which has been earmarked as ADRs. It was requested this be put as an agenda item for the next APC meeting
- .5 Outstanding items include:
 - 5.5.1 Traffic calming issues. County Councillor G Lord and Jon Fraser have been contacted again about their availability for a meeting.
 - 5.5.2 Street light removal at St Laurence Churchyard. A meeting of the Committee has been held recently where this was raised.

08/023 Proposal to suspend Standing Orders to allow members of the public speak
Agreed. The representations for the members of the public are appendixes to these minutes

08/024 Chairman's report

The Chairman gave an outline of the meeting held 28/01/08 with Kevin Dicks CEO BDC to review the performance of the Alvechurch Neighbourhood Community Group. A summary of the points discussed has been circulated to all Councillors. The points regarding the timely issue of an agenda to all invitees together with the opportunity to submit agenda items was noted. The power of the elected members to make decisions was clarified. It was questioned whether APC were more supportive of the ANCG following clarification of these points in particular to the publicity around the presence of the meetings, the agendas, core group, decision makers and any outcomes. It was mentioned that the ANCG is a pilot and currently subject to an independent review and results will be made public to the stake holders.

It was felt that the ANCG was useful to receive the public view and this would be useful if it was effective in getting things moving in Alvechurch. It was noted that the APC membership was not limited to the Chairman who could send a substitute, as had been done at the last meeting as Cllr Caddick had attended so that he could raise the subject of highways issues.

It was questioned whether a satisfactory answer was received regarding the £90,000 for play equipment in Alvechurch being delegated to the ANCG. It was pointed out that the £90,000 will not be delegated and will be spent as directed by BDC.

08/025 Finance Report

- .1 APC has been notified by the Audit Commission that Clement Keys has been appointed as external Auditor for a five year period. It was confirmed Clement Keys are the current auditors.
- .2 Councillors expenses. An expense form was given to all councillors which should be completed and returned to the Clerk by 24/03/08 to allow cheques to be drawn before the end of the financial year. A list of meetings is available in the office. An electronic version of the form is also available.
- .3 A list of bills was circulated and agreed. It was noted this included some of the costs for the Hopwood Community Centre refurbishment which APC will be looking to reclaim from the insurers.

08/026 Committee reports:

- .1 All Councillors should have received minutes of the Planning Committee meetings held 15/01/08 and 04/02/08
- .2 All Councillors should have received minutes of the Wiggin Memorial Playing Field Committee held 21/01/08
- .3 All Councillors should have received notes of the Parish Plan Working party review held 23/01/08. The agenda item relating to this meeting was noted.
- .4 All Councillors will receive minutes of the Finance & General Purposes Committee held 28/01/08.
- .5 All Councillors will receive minutes of the Youth and Charities Committee held 29/01/08. In the absence of available minutes Cllr Cypher gave a summary of the meeting in the absence of the minutes being available. The proposal for the bus stop to be repainted by the youth of the village was considered and support expressed in principal subject to details of the project being received in full.
- .6 All Councillors will receive notes of the working party meeting for public parking at the Sports & Social Club meeting held 30/01/08. Cllr Puckering gave a summary of the meeting in the absence of the notes being available

08/027 Representatives to other bodies:

- .1 The representative to the CPRE was considered. Cllr McHugh had been nominated to fulfil this role but it was noted there had been a personality clash. Cllr McHugh explained that he would bury his differences if no one else wanted to represent APC at CPRE meetings. It was noted that CPRE had suggested that a representative who was also a member of the Planning Committee would be useful. Cllr Wallis agreed to be the representative and the Clerk is to notify the CPRE.
- .2 Alvechurch Neighbourhood Community Group 24/01/08. A summary of some of the points raised at the meeting was given by Cllr Caddick. This included representations by local residents against a proposed MUGA and traffic calming issues raised by Cllr Caddick. As there was a query raised about one issue, it was enquired whether the minutes were available. The Clerk confirmed that she produces draft minutes however these are forwarded to Cllr Hollingworth as Chairman of the

ANCG. The query was with regard to the crossing point adjacent to the vets in Birmingham Road which is part of the traffic calming measure in connection with new school. It was suggested that the Clerk write to BDC enforcement to ask that all of the measures detailed on the plans approved for the traffic calming are completed prior to the school being allowed to open. Cllr Griffiths reported a recent article in local newspaper which had stated that the roads outside many Bromsgrove schools were a mess but because the schools are a business and are being pushed through. It was pointed out that APC gave there views over 12 months ago and it would appear those and the ongoing comments are being completely disregarded.

It was requested that the traffic calming at the school be put on the agenda for the APC March meeting.

08/028 To consider approval of Precept

The draft Precept submitted and approved at the F& GP Committee held 28/01/08 was presented for approval. It was noted that the final costings of some items had still to be finalised, for example the costing of street light replacement. It was questioned that if the items in the Budget could not be afforded then surely the Budget should have been a cost cutting exercise. It was pointed out that the Budget had been agreed at both the F&GP meeting held 26/11/07 and the APC meeting 14/01/08. The Budget had been set within stringent financial constraints and a reduction in the Precept had been achieved over the last three years. The projects for 2008-2009 were being funded predominately out of the Capital Projects fund. Other items such as the bus stop at Bordesley was not originally to be funded by APC, similarly the projects at the Wiggin will now be funded in full or in part by APC when funding was originally expected from BDC and WCC. Most of the Precept is to cover everyday running costs. It was questioned again why the Budget could not be cut. In addition the 106 monies arising from the Mill is for BDC to spend as it sees fit.

It was pointed out that any counter proposals regarding the Budget should have been proposed at the meeting 14/01/08. The Budget was a three month process with Councillors being invited to submit proposals and comment on each proposal. With some of the proposals such as the replacement of street lighting the method of funding cannot be finalised until APC are aware of the immediate requirement at that stage options such as a five year loan might be considered. Other requests such as paying for the resurfacing of the Sports and Social Club had been turned down otherwise it could have been another £20,000. APC had been prudent over the last 3 years and the Precept had fallen even though WCC and BDC had increased their rates.

Cllr Griffiths pointed out that if she had been aware of a shortfall in funding she would have not approved the Budget.

It was proposed that the Precept proposal be accepted, agreed with one against.

08/029 To consider Parish Plan review

A summary of the working party meeting was given. It was pointed out that that there was still much more mileage in the action points, however some needed refinement and others needed revision of timescale. It was reiterated that a 'Champion' should be nominated for each cause. In addition a copy of the Parish Plan should be made available at the ANCG meeting, perhaps on the agenda . It should also go on the agenda for the Annual Parish Meeting. It was noted that the Plan on the website needs converting to .PDF.

It was proposed that rather than start work to produce a new plan APC should re-examine each section of the action plan in more detail over the coming months and as necessary, refresh the detail of the action requirements, agreed.

Cllr Cypher is to work with the Clerk re publicity and getting the Plan out in a better format.

08/030 To consider MUGA siting consultation

It was pointed out that the proposed MUGA development came from an active discussion regarding facilities. The next part of the consultation is regarding its siting. It was pointed out that the draft consultation document made no reference to the Parish Council and any opinion it may hold. Assuming the consultation does go ahead should not APC have a view on its siting and publicize its view. Cllr McHugh pointed out he had circulated a letter regarding much opposition from residents to the whole project to all Councillors. It was questioned whether APC should defer any view on the siting until the results of the residents survey is known. It was pointed out that at the recent Wiggin Playing Field

Committee meeting the Committee felt it was an inappropriate amenity for the playing field. It was felt that such a facility should be supervised. It was felt that the consultation gave the impression that it was going ahead whereas a lot more discussion was required.

It was pointed out that no other options for siting the MUGA were being considered except Swans Length and Wiggin Memorial Paying Field

It was enquired whether a revised consultation document had been received as promised at the ANCG meeting, it was confirmed it had not,

It was pointed out that the Wiggin Memorial PF Committee would discuss other possible facilities on the site but not a MUGA (or a skateboard park).

BDC are well advanced in the consultation regarding a MUGA therefore should APC decide whether it is supportive of a MUGA in Alvechurch. It was noted that many objections to a MUGA are being received from residents. There had been reference to the developer of the old school site offering more land adjoining Swans Length. It was noted in the recent Youth Committee meeting that Kim Caves had made reference to additional sports development officers being available for supervision.

It was felt that either a MUGA or a skateboard park would welcome the wrong type from outside the area. This is why residents were complaining and the plans had been announced at PACT meeting. It was pointed out that the youngsters had attended the PACT meeting to press the point that they wanted facilities. This created the consultation and at the consultation the MUGA was chosen not a skateboard park, along with risky play and climbing facilities. Neighbourhood warden Chris Smith has spent much time with the youth who are not committed skateboarders.

The question is now where do they want it and the feeling is nobody wants the youngsters in Alvechurch. Anti social behaviour is a problem identified and it is more likely to happen when there is nothing to do. BDC have two extra Sports Development Officers and two Community Officers in the Budget so there is provision for extra supervision. A public meeting will explain all this and this is planned for the end of the consultation.

It was questioned whether APC have to support the decision of the Wiggin Memorial PF Committee in not wanting the MUGA sited there, it was confirmed this is not necessarily the case.

It was questioned whether APC want any play facilities in Alvechurch.

It was questioned whether a MUGA could be built on the new school site, it was confirmed that there will be a MUGA on the new school site but this will be hired out at quite a high cost.

It was pointed out that an unlit MUGA can only be used for 6 months of the year.

It was proposed that APC support the Wiggin Memorial PF Committee in that the MUGA is an inappropriate development on that site.

Prior to the vote Cllr Griffiths asked for a named vote, agreed. It was queried whether in a named vote the Clerk should ask each Councillor for their name and their vote or should note their names in the minutes. The Clerk checked guidance in Charles Arnold Baker which did not dictate how a named vote should be done. The Clerk is to check the Standing Orders and circulate this with the minutes. Advice should be taken from CALC if not clear.

The proposal was agreed Cllrs Puckering, McHugh, Thurrell, Farlow, Willetts, Cypher, Matthews, and Wallis

Not agreed Cllr Griffiths

Abstaining Cllr Caddick

As the MUGA is now subject to a consultation should APC support it.

It was pointed out that some facility was needed but there was the feeling of not in my back yard, There had been mention of a youth club at the old library but this has caused uproar.

It was suggested that APC should wait until the results of the consultation are available.

It was suggested that APC should be leading by its opinion and be positive.

It was stated again that a MUGA can only be used for 6 months of the year. Floodlights would allow 12 month use.

It was pointed out that it could be used in school holidays and weekends.

It was pointed out the older youths are complaining they have nothing to do at 9pm

What ever facilities are available they need supervision.

The MUGA at the new school was mentioned and Councillors expressed surprise that there was to be a MUGA at the new school. Could this be rented out did Alvechurch need two MUGA's?

It was proposed that a MUGA in Alvechurch is an in appropriate development and APC should recommend to the residents that it is in inappropriate. This proposal had no seconder

It was proposed that APC support in principal a MUGA and are neutral about its siting on Swans Length with the proviso that the actual siting is dependant on the results of the consultation. Agreed 6 in favour one against, three abstaining.

08/031 Information Exchange, Councillor's Questions and agenda items for the next meeting.

It was requested that an update on the traffic calming measures for the new school be put on the next agenda.

08/032 Date and time of next meeting

The next Parish Council meeting will be held on Monday 10th March 2008, at 7.30pm.

This meeting ended at 9.40pm.

Signed Date
Chairman, Alvechurch Parish Council

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Alvechurch Parish Council
DRAFT PAYMENTS LIST : Cheques 002874 to 002889

Vchr.	Cheq.	Cde.	Name	Description	Amount
413	002874	203	Ms Yvonne Goode	clerk's travel expenses	£14.81
414	002874	243	Ms Yvonne Goode	stationery	£20.60
			Subtotal Cheque No. 002874		£35.41
416	002875	204	mr r watkin	caretaker's expenses	£45.43
421	002876	312	mr r rand	lengthsman gross	£85.00
422	002876	313	mr r rand	lengthman expenses	£7.20
			Subtotal Cheque No. 002876		£92.20
424	002878	141	Blachere illumination uk	Christmas lights	£881.11
425	002879	242	Post Office Ltd	postage	£48.00
426	002880	415	Rowney Green Pre School	grant	£600.00
427	002881	97	citizens advice bureau	Grant	£50.00
428	002882	243	Dell Corporation	stationery	£59.00
430	002884	238	British Telecommunications	office telephone	£74.10
429	002885	245	misco uk	computer	£93.10
431	002885	154	Severn Trent Water	c centre water	£31.96
			Subtotal Cheque No. 002885		£125.06
432	002886	243	West Mercia Supplies	stationery	£51.09
433	002887	350	Prysmian Cables & Systems Ltd	street lighting maintenance	£2,333.78
434	002888	157	F Parr Ltd	c centre maintenance	£218.43
435	002889	157	p b hayward	c centre maintenance	£2,925.00
TOTAL					£7,538.61

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11/2/08
12/2/08

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ALVECHURCH PARISH COUNCIL
16 THE SQUARE, ALVECHURCH, B48 7LA
Tel/fax : 0121 447 8016
e-mail : clerk@alvechurch.gov.uk

Clerk : Yvonne Goode

CONFIDENTIAL MINUTES OF THE MEETING OF THE
FINANCE AND GENERAL PURPOSES COMMITTEE

HELD MONDAY 27TH NOVEMBER 2006, 7.30PM

COMMUNITY CENTRE, REDDITCH ROAD, HOPWOOD

gp06/077 PRESENT Cllrs, S Caddick, T Ellis, M Garrett, J Puckering, P Sanders, T Thurrell

In attendance Clerk – Y Goode

gp06/078 APOLOGIES Cllr F Molloy

gp06/079 DECLARATIONS OF INTEREST. The Clerk expressed an interest in the recommendations arising in the points 06/sc031.1 06/sc031.3 and 06/sc031.5 of the Staffing Committee minutes dated 21/11/06.

Gp06/080 STAFFING COMMITTEE

The following recommendations were considered:

- .1 Remit. The Committee had recommended the use of the draft remit provided by CALC after discussion it was felt that a number of the points in the remit were already covered by arrangements in place such as the grievance procedure and the new Clerks contract. It was agreed to consider this further and produce an amended remit for the January meeting
- .2 To increase the hours worked by the Clerk from 30 to 35. Agreed. Office opening times will be amended to Monday to Thursday inclusive 10am to 1pm. The proposal that the Clerk took over bookings for Alvechurch Village Hall is to be deferred for further investigation as to.1 the implication of Health and Safety Matters .2 creating precedent for further requests.
- .3 To increase the hours worked by the Clerical Assistant 15 to 20. Agreed
- .4 To increase the Clerks salary scale from LC2 26 one spinal point to LC2 27 in recognition of one years permanent service from 18/10/06.
- .5 To benchmark the salaries for the Clerical Assistant and Caretaker against similar roles with other neighbouring authorities, as presented. Agreed. It was proposed that the gratuity for each be rounded up to £300 each, agreed.
- .6 To accept the NALC national; salary agreed awards for 2007/2008 for the Clerk, Clerical Assistant and Caretaker when available. Agreed.
- .7 To make provision for funding for the Lengthsman in the budget 2007/2008 if the funding is reduced or withdrawn by WCC, not agreed. However should the funding be withdrawn APC should consider whether monies should be made available from contingency. WCC have since the Staffing Committee meeting confirmed that funding will continue for 2007/2008.

.8 Increase staff training budget to £500, agreed.

To allow extended opening from 01/12/06 it was proposed that the additional costs are met from the contingency budget, agreed. As employment costs are to be a high proportion of the Budget for 2007/2008 it was recommended that an explanation be prepared and published in the Village magazine,

The draft budget was considered as follows:

.1 Employment, agreed as above with amendment for gratuities.

.2 Administration. Agreed. It was noted that for 2006/2007 there had been an overspend in legal costs and it was queried whether additional provision be made for these.

.3 Sports and recreation, agreed. It was noted that similar running costs had been included for Rowney Green Pavilion as for Hopwood Community Centre.

.4 Insurance, agreed,

.5 Highways. It was queried whether the improvements for the bus shelter will be funded from these area. The quotation has now been received in the region of £1000. This may be funded from Capital Projects and may proceed subject to a decision on seating.

.6 St Laurence Churchyard, agreed.

.7 Members allowances, agreed. It was noted that a database has been set up to record all attendance to meetings for expenses to be verified.

.8 Contingency, agreed

.9 It was questioned whether there would be costs involved with the election in 2007, these were expected to be nominal

The draft budget is therefore agreed at £106,845, an increase of £9,381. A vote of thanks was given to Cllr Puckering for his work in preparing the draft Budget.

gp06/081 UPDATE REGARDING GATE ACCESS AT HOPWOOD PLAYING FIELD:

.1 A letter has been received from Hadgkiss Hughes & Beale via Scott's Solicitors which was read to the meeting. A copy of the relevant minutes has been forwarded to Scott's solicitors.

.2 It had been noted that a vehicle had been driven around the back of the Community centre to the gate access at the rear of Fairview. This route would take it over the services for the Community Centre. In addition manure was spilt over the drive. Further posts had been put in to prevent future occurrences

This meeting ended at 8.30pm.

Signed Date
Chairman

Alvechurch Parish Council**Budget Proposals 2007 – 2008.**

For the Period 2006 – 2007 we identified that we would require a Budget of £97,464 to run the Parish Council. In this amount we included Capitol Projects of the new Disabled Ramp at Hopwood Community Centre, the Village Centre 'Christmas Lights' and new posts to surround the Memorial Green in the Village Centre.

This year we have a challenging task in front of us when we set the Budget for the following year. The first negative that we face is that Bromsgrove District Council will not be paying any 'Concurrent Functions' or any 'Lighting Grant'. This represented revenue of £28,235 and accounted for nearly a third of Budget.

I will look at each cost centre and try and explain any changes made:-

Employment.

Taking into consideration the findings of the Staff Committee Working Party I note their findings and would agree with their conclusions. Therefore the Employment costs will rise to £42150.12 to cover the costs of the salary's of the Clerk, Assistant Clerk, and the Caretaker. We have an excellent staff and they should be rewarded correctly for all the hard work they do. The lengthsman scheme set up and paid for by the County Council is once again in operation for the full amount and therefore we do not have to consider any funding for the scheme.

There is also a requirement for Travel Expenses of £1000.

Budget Requirement £43,150.12p + £50 re grants

Administration.

The only increase that is required for the running of the 'Office' is the increase on the rent by 10%. This is the first increase that we have had from our landlords and is in line with the increases imposed on the other 'Tenants'. From last years office budget we had to purchase a new computer, no extra capitol had to be raised as we were generous on the amounts that we had put aside. I would suggest at this stage we adopt the same amount as last year with the 10% increase for the 'Office Rent'. If however when we carryout the Precept exercise early next year and it is obvious that we have estimated too much then it can be adjusted at that time.

Budget Requirement £14,930.00p

Sports and Recreation.

Since last year the Pavilion at Rowney Green will have been completed and therefore the extra costs to include Rates, Electricity, Water etc will have to be financed. As we are unable to ascertain these costs I have included a similar amount that we pay for the Community Centre and used these as 'Standard Costs'.

(2)

Once again when we do the 'Precept' exercise we can establish whether we have estimated to much it can be adjusted at that time.

Budget Requirement £16,725.00p

Insurance.

To cover all the requirements identified by the Parish Council.

Budget Requirement £3,800.00p

Street Lighting.

With the increase in Electricity charges I have increased the amount from last year by a considerable amount. I have included the cost of the Christmas Lights' into the requirement. Last year we paid for a additional light but I can see no reason why will require any more lights to be erected in the Village. As you are aware we are in the process of carrying out a structural survey of all the footpath lights in the Parish with a view to handing them over to the County Council in due course. I would suggest that if any new lights are required then we leave it until that time and they can fund any new lights.

Budget Requirement £10,500.00p

Youth Fund.

I would suggest that we support the Youth Fund with the same commitment that we have shown in previous years. The only exception is for the Alvechurch Alight Festival which I believe is not taking place this year. I have reduced the budget requirement accordingly.

Budget Requirement £4,500.00p

Grants.

Historical Society	£ 100.00p
Village Halls	£1500.00p
Community Transport Grant	£ 500.00p
Carers Group	£ 250.00p
Sycamore Club	£ 30.00p
Community First	£ 30.00p
CPRE Annual Subs	£ 30.00p

Bear Hill Pre-School £ 600.00p
Rowney Green Pre-School £ 600.00p

Budget Requirement £3640.00p.

Highways.

I have decreased the amount from last year by £100 to take into account how much we actually spent.

Budget Requirement £500.00p

St Lawrence Churchyard.

The maintenance of the 'Churchyard' is carried out by volunteers and our contribution is a very generous one in the circumstances and I suggest that it remains the same.

Budget Requirement £500.00p

Members Allowances.

I would suggest that this remains the same.

Budget Requirement £2,600.00p

Contingancy.

I would suggest that the contingency figures remain the same

Budget Requirement £6000.00p.

Therefore I suggest that we require a minimum Budget for the year 2007 to 2008 as :-

£106,845.00p

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ALVECHURCH PARISH COUNCIL
16 THE SQUARE, ALVECHURCH, B48 7LA
Tel/fax : 0121 447 8016
e-mail : clerk@alvechurch.gov.uk

Clerk – Yvonne Goode

MINUTES OF THE PARISH COUNCIL MEETING

HELD MONDAY 11th DECEMBER 2006, 7.30pm

AT THE COMMUNITY CENTRE, REDDITCH ROAD, HOPWOOD

06/181 Present: Cllrs J Puckering, S Caddick, D Matthews, F Molloy, P Sanders, T Thurrell, T Wallis,

In attendance: Clerk - Y Goode

06/182 Apologies: were received and accepted from Cllrs D Farlow, M Garrett, A Willetts and District Cllr J Luck.

06/183 Reports from Ward/ District Councillors:

None present. A report was provided by District Councillor J Luck as follows:

- Consultation groups Alvechurch / Rubery. A copy of an article from a Bromsgrove newspaper had been faxed to her advising of groups to be formed to consult local residents. Cllr Luck wondered whether this had been brought to APC's attention
- Slip road Hopwood. It had previously been agreed following a meeting with the police and HPU that the slip road at Hopwood would have additional signage pointing out 'access for residents only'. As the signs still had not been installed Cllr Luck recommended that we chase HPU.

06/184 Declarations of Interest: None.

06/185 Minutes of the previous meeting: An amendment to point 06/175 of the minutes of the previous meeting held 13/11/06 was noted then they were agreed and signed.

06/186 Clerk's report:

- .1 Longbridge regeneration. A follow up meeting was held with Phil Street Corporate Director BDC to discuss the future of Longbridge. The consultation period has now expired and the preferred option document is awaited. There will be a six week period in which objections may be raised after production of the document. The date of production is hoped to be prior to 19/02/07 if not it is likely to be June 2007.
- .2 Remembrance Service. A letter of thanks has been received from Alvechurch Ex Services Association for the road closure.
- .3 DEFRA Bursary Scheme – Social & Community Programme. Details of a DEFRA bursary have been received. It should be noted that only Parish Councils who have signed up to the Councils Charter are eligible for application.
- .4 Letter received from the Countryside Alliance re rural Post Offices asking for representation to be made. A letter is to be sent to the minister concerned and copied to Julie Kirkbride MP.
- .5 Grant - St Laurence Churchyard. Representation has been made from the Churchyard Committee following the reduction in grant for 2006/2007, stating that the agreement is for a matched grant between the Church and APC. The Clerk had requested a copy of the accounts from 2002 onwards as the last on file are for 2001. This will then be brought to a future meeting for discussion about the agreement which possibly relates back to 1963.

- .6 Complaints received about drainage of the new school site. The Clerk has spoken to the WCC Architect in charge of the project regarding increased flooding in Birmingham Road and the fields adjacent to the site, which includes the Wiggin Memorial Playing Field. He has raised them with the site manager and will keep us informed.
- .7 Carol Concert. The meeting was reminded of the BDC Carol Concert being held on 13/12/06 at 6.45pm
- .8 Bordesley traffic calming meeting. Most invitees have replied that they are available 18/01/07 so the meeting will be arranged for that date and confirmed to all.
- .9 West Midlands Regional Spatial Strategy. The meeting was advised of an invite from WCC for Councillors to attend a workshop to be held on Tuesday 23/01/07 at 6.30pm at the Ark, St Laurence Church.
- .10 Parish Council forum. It was noted that the neighbourhood / area committee pilot in Alvechurch / Rubery is an agenda item for discussion.
- .11 Barnt Green Scouts. A letter of thanks has been received in respect of the grant
- .12 BDC response re @15, 15 the Square. A copy of the response from BDC planning department was read out.
- .13 Outstanding items include:
 - .1 Disconnection certificate for street lamp, St Laurence Churchyard. Cllrs Ellis and Matthews attended a meeting of the Churchyard committee when the disconnection certificate was discussed. The Committee intend contacting the original electrician before completing the letter of indemnity, It was suggested that we recommended to them that they excavate the ground to check that it has been safely capped.
 - .2 Christmas lights. These were fitted Friday. There needs to be adjustment as they have not been set to timer and the tree lights have not yet been fitted.
 - .3 Street lighting maintenance contract management. Prysmian have been chased regarding the initial survey. They are currently working with another Council and will contact APC shortly.
 - .4 Bus shelter. An estimate for replacing the floor and seat of the bus shelter has been received. The design of the seating is to be considered.
 - .5 Bus Shelter at Bordesley. No update has been received.
 - .6 Monies arising in connection with the development of the Mill, Radford Road. No update has been received.
 - .7 Play equipment in George Road Playing field. No update has been received

06/187 Finance Report:

- .1 A list of bills for payment was circulated and agreed.
- .2 The draft Budget as agreed at the Financial & General Purposes Committee held 27/11/06, was presented and subject to agreement of confidential agenda item 15, will be accepted in full.

06/188 Confidential Agenda items

It was agreed to close the meeting to members of the press and public to discuss the confidential agenda items at this stage to complete Budget discussions.

06/189 Staffing

The recommendations proposed by the Staffing Committee and agreed by the Finance & General purposes Committee were considered:

- .1 To increase the hours of the Clerk to 35 from 30, agreed
 - .2 To increase the hours of the Clerical Assistant to 20 from 15, agreed.
- The above will facilitate office opening times to be increased to 10am to 1pm Monday to Thursday inclusive, with effect from 04/12/06.
- .3 To increase the SCP point for the Clerk from to 27 from 26, agreed
 - .4 To benchmark the salaries of the Clerical Assistant and Caretaker against similar roles with other neighbouring authorities, agreed. The benchmarked salaries will then rise in line with the agreed NALC increase for Clerks, agreed.
 - .5 To accept the NALC National salary agreed awards for 2007/2008, when available, agreed.

.6 To complete new standing order mandates in line with recommendations arising from items .1 to .4 inclusive, agreed.

Thanks were given to the Staffing Committee for the work done on the item

06/190 To agree to reconvene meeting

Agreed

06/191 Draft Budget 2007/2008

In view of points 06/187.02 and 06/189 above, it was agreed to adopt the draft Budget as presented.

06/192 Committee reports:

The following minutes were considered:

- .1 Rowney Green Playing Field Committee held 20/11/06. It is hoped that the building inspector can be instructed to visit shortly. It was noted that the Clerk has written to Julie Kirkbride MP regarding the official opening of the Pavilion. It is hoped that APC will be able to instruct the Building Inspector to visit the building next week.
- .2 Financial & General Purposes Committee held 27/11/06
- .3 Planning Committee held 04/12/06.

06/193 Representatives to other bodies:

- .1 Alvechurch Village Hall Committee. It was reported that the current hall manager will be continuing with the bookings therefore the Committee had thanked APC for trying to help but their services would not be required.
- .2 St Laurence Churchyard Committee. In addition to point 13.1 it was noted that the issue of disabled access had been discussed and a quotation is being obtained for a disabled ramp.
- .3 Highways Maintenance Consultation group. This had been attended by Cllrs Caddick and Thurrell and the Clerk. It had taken the form of a brainstorming group highlighting main issues. The report is awaited to see how the scrutiny group intend taking the issues forward.

06/194 To consider request from John Lawson's circus.

It was agreed to obtain further information regarding the circus' requirements.

06/195 Projects update

- .1 Rowney Green Pavilion. An update was given in 06/190.1 above.

06/196 Councillors Questions

- .1 Office opening hours. Can we advertise the change in next edition of The Village?
- .2 Budget/ Precept. When finalised, can we place an article explaining the rationale in The Village?
- .3 Traffic Calming, Radford Road. Can we please chase the traffic calming / additional lighting.
- .4 New School site. There is a lot of mud on the road outside the site can we speak to the site manager / WCC regarding the traffic leaving the site. In addition the new road layout is poorly lit can we chase the additional lighting.
- .5 Councillor folders. It was enquired how the folders would be used.

06/197 Information exchange and items for next meeting

None

06/198 Date and time of next meeting

The next parish council meeting will be held on Monday 8th January 2007 at 7.30pm.

This meeting ended at 21.20pm.

Signed Date
Chairman, Alvechurch Parish Council 08/01/07

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ALVECHURCH PARISH COUNCIL

FINANCIAL REGULATIONS

These Financial Regulations were adopted by the Council at its Meeting held on 10th January 2005

1. GENERAL

- 1.1 These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of financial control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the council meets these responsibilities.
- 1.2 The Responsible Financial Officer (RFO) is a statutory office and shall be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly. The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with proper practices. The RFO shall determine on behalf of the council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the council are maintained and kept up to date in accordance with proper practices.
- 1.3 The RFO shall produce financial management information as required by the council.
- 1.4 At least once a year, prior to approving the annual return, the council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.5 In these financial regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998 and then in force.
- 1.6 In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability in local Councils in England and Wales – a Practitioners' Guide which is published jointly by NALC and SLCC and updated from time to time.

2. ANNUAL ESTIMATES (BUDGET)

- 2.1 Each Committee (if any) shall formulate and submit proposals to the Council in respect of revenue and capital including the use of reserves and sources of funding for the following financial year not later than the end of September each year.
- 2.2 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the council.
- 2.3 The Council shall review the budget not later than in the December Parish Council meeting each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget.
- 2.4 The annual budgets shall form the basis of financial control for the ensuing year.

- 2.5 The Council shall consider the need for and shall have regard to a three year forecast of Revenue and Capital Receipts and Payments which may be prepared at the same time as the annual Budget.

3 BUDGETARY CONTROL

- 3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.
- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate.
- 3.3 The RFO shall provide monthly to the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter.
- 3.4 The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £750 and with consultation with the Chairman or Vice Chairman. The Clerk shall report the action to the Council as soon as practicable thereafter.
- 3.5 Unspent provisions in the revenue budget shall be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the council.
- 3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4. ACCOUNTING AND AUDIT

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 4.2 The RFO shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May if practicable. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to the Council for formal approval before the end of the following month of September.
- 4.3 The following principles shall be observed in connection with accounting duties:
- (a) Neither the RFO nor the member appointed to Accounts Control will be a signatory to any cheques unless in a scrutiny role as third signatory;

- (b) The member appointed to Accounts Control and charged with the duty of examining and checking the council's accounts should not be engaged in any of the Council's financial transactions.

- 4.4 The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations.
- 4.5 The RFO shall ensure that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with proper practices. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.6 The Internal Auditor shall be appointed by and shall carry out the work required by the council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing, or in person, on a regular basis with a minimum of one annual written report in respect of each financial year. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the council.
- 4.7 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required by Audit Commission Act 1998 and the Accounts and Audit Regulations.
- 4.8 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

5. BANKING ARRANGEMENTS AND CHEQUES

- 5.1 The Council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.
- 5.2 A schedule of the payments required, forming part of the Agenda for the Meeting, shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order it shall be authorised by a resolution of the Council and shall be initialled by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.
- 5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4, shall be signed by two members of Council.
- 5.4 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

6 PAYMENT OF ACCOUNTS

6.1 All payments shall be effected by cheque or other order drawn on the Council's bankers.

6.2 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.

6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.

6.4 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, the Clerk may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.

6.5 The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.:

a) The RFO shall maintain as petty cash float of £50 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.

c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5.2 above.

6.6 If thought appropriate by the council, payment for utility supplies (energy, telephone and water) may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the council at least every two years.

7 PAYMENT OF SALARIES

7.1 As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Council.

7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available Council Meeting.

7.3 The payment of all salaries and wages shall be made by Standing Order by the council's bankers as ordered by the council.

7.4 All time sheets shall be certified as to accuracy by the RFO.

8 LOANS AND INVESTMENTS

- 8.1 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy. Changes to loans and investments should be reported to the Finance & General Purposes committee at the earliest opportunity.
- 8.2 The council shall consider the need for an Investment Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Policy shall be reviewed at least annually.
- 8.3 All investments of money under the control of the Council shall be in the name of the Council.
- 8.4 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The terms and conditions of borrowings shall be reviewed at least annually.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9 INCOME

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges annually, following a report of the Clerk.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers within 48 hours of receipt or as soon as practicable.
- 9.6 The origin of each receipt shall be entered on the paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

10 ORDERS FOR WORK, GOODS AND SERVICES

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2 Order books shall be controlled by the RFO.
- 10.3 All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11 (I) below.
- 10.4 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

11 CONTRACTS

- 11.1 Procedures as to contracts are laid down as follows:
- (a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:
- (i) for the supply of gas, electricity, water, sewerage and telephone services;
 - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - (v) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council);
 - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- (b) Where it is intended to enter into a contract exceeding £5,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.
- (c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (d) Every exception made by a committee to which the power of making contracts has been delegated shall be reported to the council and the report shall specify the emergency by which the exception shall have been justified.

- (e) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (f) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.
- (g) If less than three tenders are received for contracts above £5,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (h) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders 61, 63 and 64. [*check consistency*]
- (i) When it is to enter into a contract less than £5,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000] and above £1,000 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- (j) The Council shall not be obliged to accept the lowest or any tender, quote or estimate. Where it is proposed not to accept the lowest tender, the committee or council, as appropriate, will set out a justification for the decision within the resolution to accept a higher tender.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the Contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13 STORES AND EQUIPMENT

- 13.1 The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 Delivery Notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14 ASSETS, PROPERTIES AND ESTATES

- 14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 14.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £50.
- 14.3 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15 INSURANCE

- 15.1 Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers [in consultation with the Clerk].
- 15.2 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.3 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 15.4 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

16 CHARITIES

- 16.1 Where the Council is sole trustee of a Charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

17 RISK MANAGEMENT

- 17.1 The council is responsible for putting in place arrangements for the management of risk. The Clerk [with the RFO] shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.
- 17.2 When considering any new activity, the Clerk [with the RFO] shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

18 REVISION OF FINANCIAL REGULATIONS

18.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these financial regulations.

19 Accounting Principles.

The following principles will apply to the preparation of the annual accounts.

- (a) accruals and pre-payments of less than £50 shall be disregarded.
- (b) the principle of "four quarterly bills" or "twelve monthly bills" in one financial year shall apply.
- (c) if it is known that the outstanding accounts in (b) above will vary by more than £50, an accrual will be made.

* * * *

Appendix 1

USE OF INSURANCE TO HELP MANAGE RISK

Insurance cover

1. The protection of physical assets owned by the council – buildings, furniture, equipment etc. (loss or damage)
2. The risk of damage to third party property or individuals as a consequence of the council providing services or amenities to the public (public liability)
3. The risk of consequential loss of income or the need to provide essential services following critical damage, loss or non-performance by a third party (consequential loss)
4. Loss of cash through theft or dishonesty (fidelity guarantee)
5. Legal liability as a consequence of asset ownership (public liability)

Internal controls

1. An up to date register of assets and investments
2. Regular maintenance arrangements for physical assets
3. Annual review of risk and the adequacy of cover
4. Ensuring the robustness of insurance providers

Internal audit assurance

1. Review of internal controls in place and their documentation
2. Review of management arrangements regarding insurance cover
3. Testing of specific internal controls and reporting findings to management

USING OTHERS TO HELP MANAGE RISK

Risk identification

The limited nature of internal resources in most local councils means that councils wishing to provide services often buy them in from specialist external bodies, eg

1. Security for vulnerable buildings, amenities or equipment
2. Maintenance for vulnerable building, amenities or equipment
3. The provision of services being carried out under agency/partnership agreements with principal authorities
4. Banking arrangements, including borrowing or lending
5. Ad hoc provision of amenities/facilities for events to local community groups
6. Markets management
7. Vehicle or equipment lease or hire
8. Trading units (leisure centres, playing fields, burial grounds, etc)
9. Professional services (planning, architects, accountancy, design, etc)

Internal controls

1. Standing orders and financial regulations dealing with the award of contracts for services or the purchase of capital equipment
2. Regular reporting on performance by suppliers/providers/contractors
3. Annual review of contracts
4. Clear statements of management responsibility for each service
5. Regular scrutiny of performance against targets
6. Adoption of and adherence to codes of practice for procurement and investment
7. Arrangements to detect and deter fraud and/or corruption
8. Regular bank reconciliation, independently reviewed

Internal audit assurance

1. Review of internal controls in place and their documentation
2. Review of minutes to ensure legal powers are available, and the basis of the powers recorded and correctly applied
3. Review and testing of arrangements to prevent and detect fraud and corruption
4. Review of adequacy of insurance cover provided by suppliers
5. Testing of specific internal controls and reporting findings to management

SELF-MANAGED RISK

Risk identification

1. Keeping proper financial records in accordance with statutory requirements
2. Ensuring all business activities are within legal powers applicable to local councils
3. Complying with restriction on borrowing
4. Ensuring that all requirements are met under employment law and Inland Revenue regulations
5. Ensuring all requirements are met under Customs and Excise regulations (especially VAT)
6. Ensuring the adequacy of the annual precept within sound budgeting arrangements
7. Ensuring the proper use of funds granted to local community bodies under specific powers or under section 137.
8. Proper, timely and accurate reporting of council business in the minutes
9. Responding to electors wishing to exercise their rights of inspection
10. Meeting the laid down timetables when responding to consultation invitation
11. Meeting the requirements for Quality parish status or other accreditation
12. Register of members' interests and gifts and hospitality in place, complete, accurate and up to date

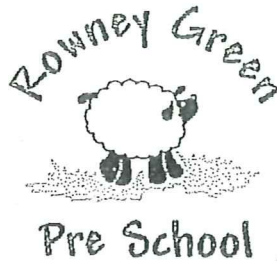
Internal controls

1. Regular scrutiny of financial records and proper arrangements for the approval of expenditure
2. Recording in the minutes the precise powers under which expenditure is being approved

3. Regular returns to the Inland Revenue; contracts of employment for all staff, annually reviewed by the council, systems of updating records for any changes in relevant legislation
4. Regular returns of VAT; training the responsible officer in matters of VAT and other taxation issues as necessary
5. Regular budget monitoring statements
6. Developing systems of performance measurement
7. Procedures for dealing with and monitoring grants or loans made or received
8. Minutes properly numbered and paginated with a master copy kept in safekeeping
9. Documented procedures to deal with enquiries from the public
10. Documented procedures to deal with responses to consultation requests
11. Monitoring arrangements by the council regarding Quality Council status
12. Documented procedures for document receipt, circulation, response, handling and filing
13. Procedures in place for recording and monitoring members' interests and gifts and hospitality received
14. Adoption of codes of conduct for members and employees

Internal audit assurance

1. Review of internal controls in place and their documentation
2. Review of minutes to ensure legal powers in place, recorded and correctly applied
3. Testing of income and expenditure from minutes to cashbook, from bank statements to cashbook, from minutes to statements etc. including petty cash transaction
4. Review and testing of arrangements to prevent and detect fraud and corruption
5. Testing of disclosures
6. Testing of specific internal controls and reporting findings to management



The Peace Hall, Rowney Green
(postal address below)

Contact : Rosemary Puckering, Supervisor
(0121-445-6102)
Alpine Lodge Farm, Rowney Green

V426

21st January 2008

During September 2006 and August 2007 we raised approximately £600 in fundraising events. Fundraising events which we will be doing this year are Tombola's and Raffles at certain parent events e.g. Christmas Play, Easter Parade. Other fundraising events which we do are book selling, yellow moon catalogue, all my own work printing – with these the parents buy the items and pre-school receive a percentage of what is sold.

Our outgoings per term are:-

Wages	£1674.40
Hall Fees	£300.00
Other eg Snacks	£40.00
Total	£2014.40

Our incomings per term are:-

Funded Children	£1129.27
Invoiced Fees	£312.75
Total	£1442.02

Summary

During the financial year there is six terms so here is a summary of our figures rounded up for ease:-

In Bank	£2039
Incoming	£8652
Outgoing	£12086
Forecasted Fundraising	£600

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Minute No : 364/96

Date : 10 December 1996

Issue : Rowney Green Pre-School

Subject: Cllr Puckering left the meeting. The Rowney Green Pre-School had requested a grant to ensure its continuity during a period of lower numbers & change due to the Nursery voucher scheme. Children from throughout the Parish attended the Pre-School held in the Peace Memorial Hall. On the prop Cllr Crawley, 2nd Cllr Broad, it was agreed to grant £350 to Rowney Green pre-school, passed nem con. Cllr Puckering re-joined the meeting. Cllr Crawley left meeting.##

Location 1: #

Location 2: #

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File note of telephone interview with Yvonne Goode Parish Clerk to Alvechurch Parish Council on 13th May 2008.

Firstly regarding the cheque to Rowney Green pre-school which was authorised at the meeting on 11th Feb 08, Yvonne explaining that this was already in the budget as approved for payment. The system is that the grant is approved as part of the budget. The pre-school then send a letter in each year together with details of their accounts and to request the payment. Yvonne then writes the cheque. There is no set time for the request letter to be sent.

The procedure for the issuing of cheques is that Yvonne as Parish Clerk cannot sign them herself. They have to be signed by two members of the Parish Council. Yvonne therefore writes out the cheques that need to be paid on the day of the meeting. The Vice Chairman will then go through the cheques before the meeting to check them. A copy of the list of is produced by Yvonne on the day of the meeting and handed out to members when they arrive. There is an agenda item to approve the draft payments and the members will vote to approve. Sometimes the members will ask for clarification regarding what the cheques are for.

Re the history of the grant to Rowney Green Pre-school, Yvonne confirming that it has been paid for at least three years. She was not sure when it has first been approved but would be able to check the records. One other pre-school receives a grant as well. There are a number of standing grants. Sometimes the amounts will be increased. If the applicant asks for an increase this issue will be referred to the Parish Council for approval.

Discussing whether it is the practice of members to declare interests in relation to the agenda item for the draft payment list. Yvonne confirming that as a general rule they do not. The only exception to this is if she has had to incur a non-standard item of expenditure e.g. in an emergency. Such a payment would not have been approved as part of the budget. Yvonne giving the example of say having to get a jet wash to unblock some drains. The cheque payment resulting from this would be non-standard

and she would explain it at the next meeting of the Parish Council when the draft payments were authorised. If she thought that this would trigger a need for a member to declare an interest e.g. if the contractor used was a member of their family, she would advise the member concerned and flag up that they had an interest to declare.

Discussing the issue of whether the authorisation of the cheques at the meeting is a decision or essentially an administrative function to enable the cheques to be authorised. Yvonne being of the view that it is the latter. The financial regulations require cheques to be signed by 2 councillors. Only a few of them are authorised signatories. The details are set out in the financial regulations. The authorisation of the cheques is dealt with at the meeting as part of the finance report. The last point under the finance report will be to approve the cheques as shown on the draft payments list. The Chair will say “are all the cheques standard?” – in other words approved in the budget. The clerk will say yes. The chair will ask all the members to confirm that they agree. Yvonne describing it as an “over in one second” item on the agenda.

With reference specifically to the meeting on 11th Feb 2008, Yvonne describing that there was a “bit of a row” about the budget. The atmosphere of the meeting was a bit “shirty” because people were trying to backtrack on the precept/budget.

With reference to the timescale for the budget, checking this again and Yvonne confirming that the payment in question was out of the 07/08 budget. This would actually have been approved in November 2006.

Asking for copies of further documents:-

- Letter from pre-school requesting grant
- Financial Regs / Standing Orders
- Minutes of relevant FGP Cttee in Nov 06
- History of when grant originated

File note of meeting with Councillor John Puckering on 22nd May 2008

Introducing myself and explaining the procedure for the investigation, and that my final report which will have to make a finding of breach or no breach has to be completed by 16th June. The report will be referred to the Standards Committee who will deal with it under the old procedure as the allegation pre-dates the introduction of the new procedures.

Noting that the only matter referred for investigation relates to the allegation by Councillor Griffiths that Councillor Puckering did not declare an interest at the Parish Council meeting on 11th Feb 2008 when members voted to send a cheque for £600 to Rowney Green Pre-school.

Firstly establishing that the facts of what was alleged were not in dispute. Confirming that the clerk had already told me that the cheque for the pre-school was indeed on the list of cheques referred to at the meeting on 11th Feb. Councillor Puckering agreeing that this was the case.

Secondly, discussing his relationship with the pre-school. He confirmed that he is the chairman of Rowney Green Pre-school which is a non profit making voluntary organisation that is run by a committee of parents. He has no involvement in the day to day running of the pre-school. All operational decisions are made by the committee and staff at regular meetings they hold at the premises used by the pre-school. Once a year he attends the AGM which he chairs; he pointed out that he sees his role in doing this largely as supporting the formalities of the meeting which he is confident at dealing with due to his experience as a councillor.

Councillor Puckering confirmed that his wife Rosemary is employed by the committee to work as a supervisor at the pre-school for which she is paid a salary.

Discussing the payments of grants generally by the Parish Council; Councillor Puckering confirming that each year a figure in the region of £5000 is paid in grants to various voluntary organistaions operating for the benefit of the community in the parish. These include one other pre-school called Bear Hill pre-school, various football teams and cricket clubs, and other organisations such as the Carers Society and the Historical Society. Grants have also been used to support village events.

With reference to the annual budget, Councillor Puckering is on the Finance and General Purposes Committee (FGPC). He prepares the budget each year. He tries to keep it in a simple format which is easy to understand. He explained that the draft budget is usually first considered by the FGPC in October for the forthcoming financial year. He presents the budget paper; it lists all the planned spending for the year including the grants. Once approved by the FGPC it is then referred back to the full Parish Council. The draft budget sometimes goes back and forward between the committee and the full Parish council a few times before the final figures are agreed and the budget is formally approved by the full Parish Council.

Noting with reference to the documents provided by the clerk that the original decision to make the grant to the play group dates back to 1996. The minute provided shows that Councillor Puckering declared an interest and left the meeting for the decision. The grant has been made every year since then; the amount has gone up from time to time.

On this issue of when he would declare an interest, Councillor Puckering explained that he understands that he has a prejudicial interest in the payment of the grant to the play group. He stated that if the pre-school is discussed specifically he would immediately declare a prejudicial interest and leave the meeting. This would apply whether the meeting was of the FGPC or of the full parish Council. This is the practice he has always followed since the grant was first made back in 1996.

In relation to the procedure for payment of cheques, Councillor Puckering confirming that all items of expenditure are on the budget. Once this has been approved payments are then made by cheque. The clerk produces a list of all cheques at each full meeting of the PC. The list is handed out at the meeting but it simply reflects what has already been decided i.e. it is a fait accompli. Sometimes there is discussion but only if one of the Councillors is not sure what a cheque is for. Generally the cheque list is not for discussion; it is not an agenda item. Councillor Puckering agreed that the authorisation of the cheques at the meeting was really an administrative exercise and not an actual decision.

The only time there would be an actual decision on a cheque would be if the clerk had had to write a cheque for an urgent item that was not planned e.g. an insurance claim or a repair.

Councillor Puckering explaining that the issue of the cheque to the play group had come up on the night of the meeting. It had been raised by Councillor Griffiths. She had asked a question along the lines of “Why is this cheque being paid to the pre-school?”

Councillor Puckering’s recollection was that the clerk had responded and explained what the payment was for. He also pointed out that he was surprised by the question coming from Councillor Griffiths as she was on the FGPC and should have known how the budget process worked.

Councillor Puckering confirming that any new request for a grant would first go for consideration at the FGPC, and then be referred back to the full parish council for a decision. Grants are not rolled over automatically year on year; they are discussed at the budget stage. Each item is taken line by line and Councillor Puckering who usually chairs the meeting will call out each line and ask for any comments.

Councillor Puckering confirming again that with regard to the payment of cheques, it is not a decision at the meeting; the decision has already been made. Any details discussed are for information only. He would not expect to declare an interest in this part of the meeting as it is not a decision but simply the mechanism for the cheques being issued.

SS

27.05.08

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**ALVECHURCH
PARISH COUNCIL**

REGISTER OF MEMBERS' INTERESTS

LOCAL GOVERNMENT ACT 2000 section 81(1)
The Local Authorities (Model Code of Conduct) Order 2007

Note: "Member" includes a co-opted member of an authority. Numbering follows numbering in Code of Conduct

I, (full name) (capitals) JOHN ERNEST PUCKERING.

a Member / co-opted Member of
ALVECHURCH Parish Council [delete as appropriate]

GIVE NOTICE, as I am required to do under paragraph 13 of the Code of Conduct, that I have the following interests:

(please state "None" where appropriate)

(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority
NOTE: This will include, for example, outside body appointments by the Council

<u>NONE</u>

(ii) Any body –
(aa) exercising functions of a public nature;
(bb) directed to charitable purposes; or
(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;

NOTE:

- (bb) Freemasonry – the Standards Board for England advice is:-
Freemasons who are members of the Grand Charity must register membership of the Grand Charity in their Register of Members' Interest. If an individual lodge is one which has charitable status or could be described as a body directed towards charitable purposes, then membership of that lodge would also need to be registered.
- (cc) This will include membership of a political party as well as membership of any pressure group or other organisation which includes lobbying as one of its principal purposes.

NONE

HONORARY CHAIRMAN ROWNEY GREEN PRE-SCHOOL
I HAVE NO INVOLVEMENT WITH THE DAY TO DAY
RUNNING OF THE PARENT LCA PRE-SCHOOL.

(iii) Any employment or business carried on by you;

NOTE:

Give a short description of every employment, office, trade, profession or vocation that you have to declare for income tax purposes, for example "Plasterer" or "Nurse"

LIVESTOCK FARMER

(iv) Any person or body who employs or has appointed you;

NOTE:

If you are an employee, you should give the name of your employer. If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company. Where you hold an office, give the name of the person or body which appointed you. IN the case of a public office, this will be the authority which pays you. In the case of a teacher in a maintained school, the local education authority; in the case of an aided school, the school's governing body

NONE

(v) Any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

NOTE:

You should declare the name of any person(s) who has/have made any payments to you towards your expenses as a councillor or towards your election expenses. You do not need to declare the amounts of any payments: only the name of the person or body making them.

You do not need to include payment of Members' allowances by the Parish Council

NONE

(vi) Any person or body who has a place of business or land in your authority's area and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

NOTE:

"Person or body" includes firms, partnerships, companies and other organisations.

1. *Name the person or body.*

2. *You do not need to show the actual amount of your beneficial interest.*

Please note that the nominal value is the value on the face of the security and not its value at the time acquired nor its current market value.

3. *If there are several classes of shares or securities, the fraction of 1/100th applies to any of those classes. These limits also apply to deposits with industrial and provident societies, and co-operative societies.*

4. *The requirement also covers shares and securities held in the name of other people in which you have a beneficial interest*

NONE

(vii) Any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

NOTE:

You need not say what the financial arrangements are, but should state briefly the Contractor, what the Contract is and for how long.

NONE

(viii) The interest of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

NOTE:

You must register any gifts or hospitality worth £25 or over that you receive in connection with your official duties as a Member, and the source of the gift or hospitality. (An accumulation of small gifts received over a short period that add up to £25 or over should also be registered).

You automatically have a personal interest in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare at the meeting the existence and nature of the gift or hospitality, the person who gave it to you and how the business under consideration relates to that person.

Once three years have passed since you registered the gift or hospitality in your Register of Interest, your obligation to disclose that interest to any relevant meeting ceases.

NONE

(ix) Any land in your authority's area in which you have a beneficial interest;

NOTE:

- 1. You should include any land in the Council's area in which you have a beneficial interest (that is, in which you have some proprietary interest for your own benefit). You should give the address or a brief description to identify it. If you live in the Council's area you should include your home under this heading as owner, lessee or tenant.*
- 2. You should also include any property from which you receive rent, or of which*

you are the mortgagee.

3. "Land" includes any buildings or parts of buildings (and eg. allotments).

4. When the information to be recorded relates to a house or flat, this does not present any difficulty in providing an address. However, the registration of other land interests such as farm land, or other land with no address, is not as easy. In these circumstances you should include enough information with this form so that landholdings can be identified (eg. a map should be attached to the form)

ALPINE LODGE FARM
 ROWNEY GREEN B48 7QZ

(x) Any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant:

NOTE:
 "Land" includes any buildings or parts of buildings (attach a map if appropriate)

NONE

(xi) Any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

NOTE:

1. You should include land in the Council's area which you have a right to occupy or use, but neither own nor have a tenancy of. You should give the address or a brief description to identify it.

2. "Land" includes any buildings or parts of buildings (attach a map if appropriate)

LODGE FARM - RENT 17 ACRES
 FROM J. SANDERS ESTATE AGENTS

FURTHER INTERESTS

Note: Numbering does not relate to the Code of Conduct

I further **VOLUNTARILY GIVE NOTICE** (acknowledging that I am not required to do so under the Code) of the following other interests (please state "None" where appropriate):

(a)	I am a member or hold a position of general control or management of the following private clubs or organisations
	NONE

(b)	I have the following other interest that I desire to bring to the public's attention through the Register
	NONE

OTHER

Sensitive Interests under paragraph 14 of the Code of Conduct – seek the advice of the Monitoring Officer

MEMBER'S SIGNATURE

Date	
Member's Name (Capitals – in full)	JOHN ERNEST PUCKERING
Member's signature	

[ORIGINAL SIGNED BY PARISH COUNCILLOR PUCKERING]

NOTIFICATION OF CHANGE OF CIRCUMSTANCES

A Member must, within 28 days of becoming aware of any change to the interests specified above, provide written notification to the Monitoring Officer of that change at the Council House, Burcot Lane, Bromsgrove B61 1AA

RECEIPT BY MONITORING OFFICER

Date received by the Council	17.04.08
Signature of the Monitoring Officer	(Deputy MO)

[ORIGINAL SIGNED BY MRS D WARREN,
DEPUTY MONITORING OFFICER]

D Parker-Jones
25.07.08

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INVESTIGATION SBE21308.08CHRONOLOGY

Date	Event
10 December 1996	First grant application made by Rowney Green pre-school considered by Alvechurch Parish Council and agreed.
27 November 2006	Meeting of Finance and General Purpose Committee at which draft budget for 07/08 including payment of grant to Rowney Green pre-school was considered and approved.
11 December 2006	Meeting of full Parish Council at which draft budget for 07/08 considered and approved.
11 February 2008	Meeting of full Parish Council to which allegation relates. At the meeting payment of the cheque for the 07/08 grant to Rowney Green pre-school was authorised.
18 February 2008	Allegation that Councillor Puckering failed to declare an interest at the meeting on 11 February made by Councillor June Griffiths to the Standards Board.

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Agenda Item 8

Standards Assessment Sub-Committee - Assessment Criteria

Ref: Subject Member:

1	Is the Subject Member a member of the Council or a parish council covered by the Standards Committee?	
2	Was the Subject Member in office at the time of the alleged breach of the Code of Conduct?	
3	Is the Subject Member still a member of the Council, or a member of another authority?	
4	Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct by this or another regulatory authority?	
5	Would the complaint, if proven, be a breach of the Code under which the Subject Member was operating at the time of the alleged misconduct?	
6	Is the complaint about something that happened so long ago that there would be little benefit in taking action now?	
7	Is the complaint too trivial to warrant further action?	
8	Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?	
9	Has enough information been submitted to enable the Sub-Committee to reach a decision?	
10	Does the Sub-Committee consider that the complaint should be referred for investigation?	
11	If the complaint is to be referred for investigation is it appropriate for this to be investigated locally?	
12	Does the Sub-Committee consider that the complaint should be referred for other action?	

Signed: (Chairman)

Dated:

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28 May 2008

Dear Claire Felton,

The Impact of the Ethical Framework for Local Government

Cardiff University has been commissioned by the Standards Board for England to evaluate the impact of the ethical framework for local government. A key part of the evaluation will involve case study work in nine local authorities. Your council has been selected to take part in this research and we would be delighted if you could participate.

The main aim of the study is to assess the impacts of the ethical framework on (i) council processes and culture, (ii) the conduct of elected members and (iii) on public attitudes towards your council. The project will involve biennial case study visits by two of our researchers in 2008, 2010 and 2012. Each visit will involve us conducting interviews with key council officers, elected members, local stakeholders (including any parish councils) and public focus groups. We will also conduct a public survey in 2008 and 2012. Further information on the project is provided on the attached summary.

We are aware of the demands for information made of local authorities by government departments, regulators and researchers but hope that the chosen case study authorities will benefit in the following ways from participating in the research:

- We will provide you with a short report on the results from the case study, the focus groups and the public survey. This report should provide you with some useful information to help your council in improving its ethical governance, and the perceptions of the public.
- By participating in the study, you will be able to feed back your experiences of what does and does not work to the Standards Board, and influence the development of future guidance, advice and ethical policy for local government.
- All the data we collect will be anonymised but, should our research identify examples of good practice then we can, with your approval, disseminate these to a wider audience. This can be a source of good publicity for councils.

In terms of timescale, we would be looking to conduct case studies through the summer.

We would welcome the opportunity to discuss this research with you or one of your colleagues and will be in touch next week. In the meantime, if you have any queries, please do not hesitate to get in touch with us using the contact details below.

Yours sincerely,

Dr Richard Cowell

cowellrj@cardiff.ac.uk

Tel: 02920 876684 (please contact James Downe in the first instance, 28th May to 2nd June)

Dr James Downe

downej@cardiff.ac.uk

Tel: 02920 875298.

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Assessing the Impact and Effectiveness of the Ethical Framework for Local Government in England

Project outline

The Centre for Local & Regional Government Research (CLRGR) at Cardiff University has been commissioned by the Standards Board for England to assess the impact of the ethical framework for local government. This is a five-year study to address the following three questions:

- What has been the impact of the ethical framework on the processes, systems and values of local government?
- Has the framework, and its implementation, had any effect on the conduct of local councillors?
- Has the ethical framework, and any resulting change to the way in which councils are run, or in the conduct of councillors, had any effect on public confidence in local government?

The research will inform the Standards Board in its new role as a 'light touch' regulator. It provides opportunities for guiding local authorities in improving their ethical governance and public attitudes. It is also the first occasion in which systematic research has been carried out to connect the impacts of the ethical framework, and the way in which it has impacted upon different councils, to the outcomes for conduct and public perceptions.

Methodology

The research will involve case study work in nine, carefully-chosen local authorities. Data will be gathered at two-yearly intervals, in the summers of 2008, 2010 and 2012, using a combination of qualitative and quantitative research methods:

- **Interviews**, which will be conducted with officers and elected members from the chosen councils, partner bodies and a sample of parish councils, where relevant. We envisage that interviewees will include the monitoring officer, chair of standards committee and leaders of party groups. Each interview will last approximately 45

minutes, and explore the way in which the ethical framework is operated, issues that have arisen, and the wider effects.

- **Documents**, relevant to the operation of the ethical framework in the chosen councils.
- **Media analysis**, involving the assessment of a sample of local press coverage of standards issues, and council activities more widely.
- **Public survey**, involving a questionnaire completed by a 200-resident sample, covering attitudes towards the council and conduct issues. The survey will run in 2008 and 2012, and two focus groups per council will be run in 2010.

The data collection will be conducted by two researchers from the CLRGR, and we envisage that each case study will require no more than three days on site.

Project principles

The research will be conducted according to the following principles, which will govern our relationship with the chosen case study councils.

- *Anonymity*. All the data we collect will be anonymised - data will not be passed in identifiable form to the Standards Board, and neither the councils nor any individuals involved will be named in any reports from the project.
- *Non-judgemental*. This research is designed to assess the effects of the *ethical framework* for local government. It is not in any sense a goal of this research to re-open or re-appraise individual cases or complaints under the Code of Conduct.
- *Benefits to the council*. We are alive to the excessive demands for information made of local authorities by government bodies and researchers, but we hope that the chosen authorities will benefit from participating in the research.

By participating in the study, the case study councils will be able to feed back your experiences of what does and does not work to the Standards Board, and influence the future development of Standards Board guidance, advice and ethical policy for local government. In return for co-operation and assistance, we will provide each selected council with a short report on our findings, and a headline results summary from the public survey, at the end of each case study visit. Should our research identify examples of good practice then we can, with council approval, disseminate these to a wider audience. This can be a source of good publicity for participating authorities.

Contact details

If you have any questions about this research project, please contact:

Dr Richard Cowell

School of City and Regional Planning
Cardiff University
Glamorgan Building
King Edward VII Avenue
Cardiff
CF10 3WA

Email: cowellrj@cardiff.ac.uk

Tel.: 029 20876684

Dr James Downe

Centre for Local & Regional
Government Research
Aberconway Building
Cardiff Business School
Colum Drive
Cardiff
CF10 3EU

Email: downej@cardiff.ac.uk

Tel.: 029 20875298

For more information about the Centre for Local & Regional
Government Research, please visit our website, at:

<http://www.cf.ac.uk/carbs/research/groups/clrgr/index.html>

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BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

14TH AUGUST 2008

WORK PROGRAMME

Responsible Portfolio Holder	Councillor Roger Smith
Responsible Head of Service	Claire Felton, Monitoring Officer and Head of Legal, Equalities and Democratic Services

1. SUMMARY

This report sets out a Work Programme for the Standards Committee.

2. RECOMMENDATION

It is recommended that, subject to any amendments made to it by the Committee, the Work Programme be approved.

3. BACKGROUND

3.1 The Standards Committee established a work programme at its meeting on 7th February 2008.

3.2 A work programme is beneficial to the Committee for the following reasons:

- (a) to ensure the Committee is fulfilling its roles and functions in accordance with the Council's Constitution;
- (b) to enable officers to be proactive in supporting the Committee and for the Committee to be equally proactive in introducing change to ensure the Council is an ethical organisation, which promotes and maintains high standards of conduct of elected Members, and is an organisation which relates to the community and improves the service it provides; and
- (c) the rising profile of standards committees and, in particular, the changes brought about by the introduction of the local assessment of complaints of alleged breaches by councillors of the Code of Conduct under the Local Government and Public Involvement in Health Act 2007.

- 3.3 The Work Programme will appear as a regular item on all future Standard Committee agendas, save for those meetings which are dedicated to Member investigations.
- 3.4 Officers will update the Work Programme, as appropriate, in between meetings. Any amendments to the Work Programme will be referred to the next relevant meeting of the Committee for approval. Members of the Committee are welcome to contact officers, at any time, with suggested changes.
- 3.5 The Committee is asked to consider the Work Programme and to comment on this accordingly.

4. FINANCIAL IMPLICATIONS

None.

5. LEGAL IMPLICATIONS

None.

6. COUNCIL OBJECTIVES

- 6.1 The Work Programme is linked to the Council's Improvement Objective, Priority - Customer Service.
- 6.2 A Work Programme will assist in informing Members, officers and the community of the work being undertaken by the Committee in ensuring that the Council is an ethical organisation, which is proactively working towards improvement.

7. RISK MANAGEMENT

None.

8. CUSTOMER IMPLICATIONS

None.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

None.

10. VALUE FOR MONEY IMPLICATIONS

None.

11. OTHER IMPLICATIONS

Procurement Issues - None
Personnel Implications - None
Governance/Performance Management - A work programme will assist the Committee in being proactive in fulfilling its role in ethical governance.
Community Safety including Section 17 of Crime and Disorder Act 1998 - None
Policy - None
Environmental - None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All Wards.

14. APPENDICES

Appendix 1 - Standards Committee Work Programme

15. BACKGROUND PAPERS

None.

CONTACT OFFICER

Name: Debbie Parker-Jones
Committee Services Officer
Email: d.parkerjones@bromsgrove.gov.uk
Direct line: (01527) 881411

STANDARDS COMMITTEE WORK PROGRAMME

[Note: Any items that it is proposed be removed from the Work programme are denoted by a strikethrough, with new additions appearing in bold italics.]

Meeting date	Item for consideration
16th October 2008	<ul style="list-style-type: none">• Review of Member Training - Ethical Framework elements• Update on training programme for Parish Councils• Review of the Council's Confidential Reporting Code ("whistle blowing" policy - Code approved by the Cabinet on 7th March 2007)• <i>Ombudsman Complaint Statistics 2007/08 - Neighbouring Authorities</i>
11th December 2008	<ul style="list-style-type: none">• Review of the operation of the Committee, including the local assessment process and training needs of Committee members• Review of the Council's Protocols on Member-Officer and Member-Member Relations• Ombudsman Complaint Statistics - six month update
5th February 2009	<ul style="list-style-type: none">• Calendar of Meetings• Review of the effectiveness of the Code of Practice - Planning Services
2nd April 2009	<ul style="list-style-type: none">• Second Annual Report of the Standards Committee• Review of Member Training - Ethical Framework elements• Review of training programme for Parish Councils• Re-appointment of Parish Councils' Representatives
June 2009 (date to be agreed)	<ul style="list-style-type: none">• Ombudsman Complaint Statistics 2008/09• Review of operation/effectiveness of the Members' Code of Conduct• <i>12 month review of the local assessment process.</i>

August 2008 (date to be agreed)	[No business currently scheduled for this meeting as holiday commitments may necessitate cancellation of this.]
<p>Note: All meetings will include regular items such as:</p> <ul style="list-style-type: none">• Minutes of previous meetings;• Monitoring Officer's Update Report; and• Parish Councils' Representatives Update Report.	