
 STATUTORY INSTRUMENTS

2007 No. 1159

LOCAL GOVERNMENT, ENGLAND AND WALES**The Local Authorities (Model Code of Conduct) Order 2007**

<i>Made</i> - - - - -	<i>2nd April 2007</i>
<i>Laid before Parliament</i>	<i>4th April 2007</i>
<i>Coming into force</i> - -	<i>3rd May 2007</i>

The Secretary of State for Communities and Local Government makes the following Order in exercise of the powers conferred by sections 50(1) and (4), 81(2) and (3), and 105(2), (3) and (4) of the Local Government Act 2000(a).

The Secretary of State has consulted in accordance with section 50(5) of that Act.

The Secretary of State is satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(1) of that Act(b).

Citation, commencement and application

1.—(1) This Order may be cited as the Local Authorities (Model Code of Conduct) Order 2007 and comes into force on 3rd May 2007.

(2) This Order applies—

- (a) in relation to police authorities in England and Wales; and
- (b) in relation to the following authorities in England—
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;
 - (iv) a parish council;
 - (v) the Greater London Authority;
 - (vi) the Metropolitan Police Authority;
 - (vii) the London Fire and Emergency Planning Authority;
 - (viii) the Common Council of the City of London;
 - (ix) the Council of the Isles of Scilly;
 - (x) a fire and rescue authority;
 - (xi) a joint authority;
 - (xii) the Broads Authority; and

(a) 2000 c.22.

(b) See the Relevant Authorities (General Principles) Order 20001 (S.I. 2001/1401).

(c) the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001(a); and

(d) the Police Authorities (Model Code of Conduct) Order 2001(b).

(2) The Orders referred to in paragraph (1) continue to have effect for the purposes of and for purposes connected with—

(a) the investigation of any written allegation under Part 3 of the Local Government Act 2000, where that allegation relates to conduct which took place before the date when, pursuant to section 51 of that Act—

(i) the authority adopts a code of conduct incorporating the mandatory provisions of the Code in the Schedule to this Order in place of their existing code of conduct;

(ii) the authority revises their existing code of conduct to incorporate the mandatory provisions of the Code in the Schedule to this Order; or

(iii) the mandatory provisions of the Code in the Schedule to this Order apply to members or co-opted members of the authority under section 51(5)(b) of that Act;

(b) the adjudication of a matter raised in such an allegation; and

(c) an appeal against the decision of an interim case tribunal or case tribunal in relation to such an allegation.

(3) Any order made under section 83 of the Local Government Act 1972(c) shall have effect for the purpose of prescribing the form of a declaration of acceptance of office in relation to a county council, district council, London borough council and a parish council.

Signed on behalf of the Secretary of State for Communities and Local Government

Phil Woolas
Minister of State

2nd April 2007

Department for Communities and Local Government

(a) S.I. 2001/3577.

(b) S.I. 2001/3578.

(c) Orders made under section 83 of the Local Government Act 1972 were disappplied, by the Orders mentioned in article 4(1)(a) and (b) of this Order, and are here being revived.

- (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.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

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
- (b) must, when using or authorising the use by others of the resources of your authority—

(a) 2006 c.3.

- (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;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (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 (7), 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.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(a).

(a) See the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations (S.I.2000/3272).

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.

Paragraph 4 of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

Paragraph 7 of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest.

Paragraph 9 of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

Paragraph 11 of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Paragraph 13 of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

Paragraph 14 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.

Meeting Notes

Reference: Local Investigation ref 14/08

Date of meeting: 3rd June 2009

Attendees: Mrs Deborah Warren (Senior Solicitor and Deputy Monitoring Officer) and Vanessa Brown (Investigating Officer)

Purpose: to establish the process used to collate the Register of Interest forms for Parish Councillors.

Meeting notes recorded by Vanessa Brown

The following matters were discussed:-

1. Mrs. Warren confirmed that it is only in the last 2 years that requests have been made of Parish Councils to send their Register of Interest forms and a copy of their Code of Conduct to the Monitoring Officer. Up until this time no such records were kept at the Council House office.
2. In 2007 a new Code of Conduct was introduced and each Parish Council was required to adopt the new Code. A copy of the adopted Code of Conduct and the Register of Interest forms were requested from the Parish Councils to enable a central record to be kept by the Monitoring Officer.
3. Mrs Warren also confirmed that whilst there was no set format for the Register of Interest forms, she provided the Parish Councils with a blank copy of the form used by District Councillors for the Parish Clerk to use should they wish.
4. The Register of Interest forms would be made available to the Parish Councillors by the Parish Clerk.
5. It is the responsibility of all Councillors to ensure they have completed the Register of Interest form and submitted it to the Monitoring Officer within the statutory time limit.
6. Parish Councillors' Register of Interest forms were either received directly from the Parish Councillor or would be sent to the Monitoring Officer via the Parish Clerk.

7. It is now general practice for Parish Clerks to be notified that completed Register of Interests forms have been received by the Monitoring Officer. If required a copy would be forwarded to the Parish Clerk, to be retained with the Parish Councils records.
8. Mrs Warren was able to confirm that on the 8th September 2008 she received an email from the Parish Clerk to Catshill & North Marlbrook Parish Council saying that she was missing Register of Interest form for two of the Parish Councillors and asking if they could be written to requesting the completed forms. Mrs Warren confirmed that she would write to the relevant Parish Councillors as requested.
9. The same day Mrs. Warren sent a letter to both Councillors, (one of whom was Councillor Carter), enclosing a Register of Interests form and requesting that it be completed and returned as soon as possible. Mrs. Warren's letter also stated that there was a statutory requirement that the form should have been completed within 28 days of the adoption of the new Code of Conduct and that by failing to do so this amounted to a breach of the code of conduct.
10. On the 13th October 2008 the Parish Clerk for Catshill & North Marlbrook emailed Mrs. Warren asking whether the two outstanding forms had been received.
11. Mrs. Warren responded confirming the details of those she had received and also that she thought she may have received the two outstanding forms and that she would check her records to verify the position.
12. A check of the records confirmed the Register of Interest form for both councillors remained outstanding.
13. Mrs. Warren received a further letter from the Parish Clerk in which she said she had seen Councillor Carter at a meeting and he mentioned that he had not signed his form. The letter further confirmed that the Parish Clerk had spoken to the Standards Board for England who had advised that the Parish Council could be held potentially responsible for the missing R of I forms.
14. In the same letter the Parish Clerk asked Mrs Warren if she could again contact Councillor Carter to complete and return the Register of Interest Form.
15. On the 9th December 2008 Mrs. Warren sent a further letter to Councillor Carter requesting the completed Register of Interests form. A copy of the letter was also forwarded to the Parish Clerk.

16. On the 15th December 2008 Mrs. Warren received an email from the Parish Clerk as the outstanding Register of Interests form had still not been received. The email confirmed that the Parish Clerk had referred the matter to the Monitoring Officer.
17. Mrs. Warren confirmed that she had seen the letter from the Parish Clerk of the 15th December 2008 addressed to the Monitoring Officer in which the Parish Clerk asked for the Monitoring Officer to take action to resolve the difficulty with the outstanding Register of Interest Forms.
18. Mrs. Warren was able to confirm that on the 3rd February 2009 a completed Register of Interests form was received from Councillor Carter.

I, Deborah Warren, Senior Solicitor and Deputy Monitoring Officer confirm that I have read the above and agree it is an accurate note of the discussions that took place on the 6th June 2008.

..... Dated.....
Deborah Warren. (Senior Solicitor and Deputy Monitoring Officer)

..... Dated.....
Vanessa Brown (Investigating Officer)

Meeting Notes

Reference: Local Investigation ref 14/08

Date of meeting: 21st May 2009

Attendees: Ms Gill Lungley, (Clerk to Catshill & North Marlbrook Parish Council) and Vanessa Brown (Investigating Officer)

Purpose: to establish the background information and details surrounding Councillor Carter's alleged failure to complete and return a Register of Interests Form.

Meeting notes recorded by Vanessa Brown

The following matters were discussed:-

1. Ms. Lungley confirmed that the parish of Catshill and North Marlbrook has a total of thirteen Councillors and that she has been the Parish Clerk for just over twelve months.
2. The new Code of Conduct was introduced in 2007 (before Ms. Lungley was the Parish Clerk), and from minutes taken at a meeting in October 2007 Ms. Lungley was able to confirm that guidance copies of the Code were distributed to the Parish Councillors although there did not appear to be any recorded minutes that the full Code of Conduct was adopted. It was a requirement that if by November 2007 any Parish Councils had not acted to adopt the revised Code of Conduct and had not advised the Standards Board for England (SBE), of their decision then the SBE would assume they had adopted the default version of the Code which excluded paragraph 12 (2) relating to "Effect of Prejudicial Interests on Participation".
3. The adoption of the Code of Conduct to either include or exclude paragraph 12 (2) was placed on the agenda for the meeting on the 26th June 2008 held at Catshill Village Hall. A copy of the agenda has been provided, and at Agenda item 8, it clearly identifies the issues for discussion.
4. The agenda also included a separate paragraph under the same agenda item to specifically require Parish Councillors to complete a new Register of Interests form to comply with the new Code of Conduct. Additionally Parish Councillors were reminded of the consequences of failing to comply with this requirement and a blank Register of Interests form was attached for completion.


5. Ms. Lungley also provided Mrs. Brown with a copy of the minutes of the June 2008 meeting in which it confirmed that the Parish Councillors agreed that the revised (2007) Members' Code of Conduct with paragraph 12(2) should be adopted. Specific reference was also made to Parish Councillors being reminded of the need to complete their new Register of Interests forms.
6. The minutes confirmed that Councillor Carter was present at the June 2008 meeting and also that he had made a Declaration of Interest. Ms. Lungley advised that Councillor Carter always made the same declaration at the beginning of all meetings that he was a member of NWWA which is a charitable organisation.
7. Ms. Lungley confirmed that she would make available the blank Register of Interest forms and the Parish Councillors would either return the form to her and she would forward it to the Monitoring Officer or the Parish Councillor would send the form directly to the Monitoring Officer. In the case of the latter the Parish Clerk would have no knowledge of the form being completed.
8. Ms. Lungley was able to confirm that when she became the Parish Clerk there was only a copy of the Register of Interests forms for those Parish Councillors who had completed their forms and had returned them to the Monitoring Officer via the Parish Clerk. Councillor Carter's form did not appear in the records held at that time.
9. As the obligation to complete the Register of Interests form rests entirely with the Parish Councillors and as they could be sent directly to the Monitoring Officer any records kept by the Parish Clerk may be incomplete. The Monitoring Officer did not provide details of the completed forms to the Parish Clerk.
10. Whilst there is no requirement for the Parish Clerk to retain a record of the Register of Interest forms Ms. Lungley confirms that towards the end of 2008 she approached the Deputy Monitoring Officer to establish which of the Register of Interest forms had been received and which remained outstanding. Ms. Lungley's enquires revealed that two of the Parish Councillors had yet to submit their Register of Interest forms. The Deputy Monitoring Officer confirmed that she would write to the two Parish Councillors to request their completed forms.

11. In November 2008 Ms. Lungley also wrote to Councillor Carter sending him another blank form for completion. A short time later Ms. Lungley saw Councillor Carter and asked if he had completed and submitted his Register of Interests Form. He confirmed that he had "not got round to it", and declined a further blank form stating he still had the previous one.
12. In the minutes of the meeting of the 26th June 2008, there is a note of Parish Councillors training. Ms. Lungley confirms that one source of training is available via the Local Council Service which is an independent organisation. Ms. Lungley is not aware of any training offered via the Bromsgrove District Council for Parish Councillors and specifically she is not aware of any offer of training on the new Code of Conduct.
13. As a Parish Councillor, Ms. Lungley describes Councillor Carter as an active member who willingly participates in all aspects of parish council work. Specifically he attends Planning and Events meetings and has a good working knowledge of the area and is genuinely interested in the community and supportive of the work undertaken by the Parish Council.


Ms. Lungley provided a copy of the following documents:-

- Copy Agenda for the meeting held on the 26th June 2008.
- Copy Minutes following on from the meeting of the 26th June 2008.

I, Gill Lungley, Clerk for Catshill and North Marlbrook Parish Council confirm that I have read the above and agree it is an accurate note of the discussions that took place on the 21st May 2009.


.....
Gill Lungley.
(Parish Clerk)

Dated... 15. 06. 2009


.....
Vanessa Brown (Investigating Officer)

Dated... 16. 06. 2009

CATSHILL AND NORTH MARLBROOK PARISH COUNCIL

Papers included with this Agenda:

- Minutes of Annual Parish Meeting held 29/05/08
- Minutes of Annual Parish Council Meeting held 29/05/08
- Minutes of Planning Committee meetings held 29/05/08 and 12/06/08
- Copy of e-mail from Pat Edwards, LCS regarding councillor training (agenda item 11)
- Copy of Community Transport Review (agenda item 12)
- List of correspondence received via post and e-mail not otherwise included in the meeting
- For those for whom no Register of Interests form has been lodged with BDC, a blank copy for completion

Papers to follow:

- The minutes of the Environment & Highways group meeting on 29th June to be circulated via e-mail in advance of the parish council meeting, with paper copies available at that meeting.

Agenda Item 8 : Members' Code of Conduct

A revised Code of Conduct was introduced last year and guidance copies issued by the Standards Board for England (SBE) were distributed to members during the October 2007 meeting (minute no. 80/07(d)). If by November 2007 Parish Councils had not acted to adopt the revised code and had not advised the SBE of their decision, then the SBE would assume the council had adopted the default version of the code **IS WITHOUT** the adoption of paragraph 12, sub-paragraph 2.

As you know, if a member has a prejudicial interest in any business of the authority then that member must withdraw from the meeting whilst that business is discussed. However, para 12-(2) states that '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.' The member is required to withdraw immediately after making representations, answering questions or giving evidence, before there is any further discussion of the business. The member will rejoin the meeting upon conclusion of any discussion on the matter.

This information was not made known to members at the time, and the Council is now asked to consider whether to adopt the revised Code of Conduct with or without para 12-(2).

Additionally members were required to complete a new Register of Interests form at the same time to comply with the conditions of the Revised (2007) Code, despite having already completed one only a few months earlier. These forms are retained at Bromsgrove District Council and can be viewed by any member of the public who so requests to see them. BDC have been in touch recently asking for the Register of Interest forms, of which only six have been fully completed by members of this parish council.

A blank form is being sent with these papers to those members who do not yet appear to have completed a form – and apologies to those who receive a form herewith and have already completed one, however BDC do not have them on record. If BDC do not receive these forms they are obliged to inform the local Standards Committee, who will be obliged to bar such a member from office.

In conclusion it is recommended to:

- Recognise the requirements of the revised Code of Conduct;
- Decide which version of the revised Code to adopt (ie with or without para 12-(2))
- Complete the Register of Interests form if not already held by BDC.

copy

**CATSHILL AND NORTH MARLBROOK PARISH COUNCIL
PARISH COUNCIL MEETING HELD THURSDAY 26th JUNE 2008, 7.30PM
CATSHILL VILLAGE HALL, GOLDEN CROSS LANE, CATSHILL**

Present : Cllrs G Witcomb (Chairman), P Masters (Vice-Chairman)
G Blackmoor (arrived #), D Carter, M Knight, A Pugh, M Shephard, M Tingle (arrived *)

In attendance : Clerk, G Lungley

08/021 Apologies

Apologies for absence were accepted from Cllr P Baker (personal), J Brown (holiday)

08/022 Declarations of Interest Cllr D Carter – member of NWWA

08/023 Adjournment of Meeting for Open Forum

Points of discussion as attached. (*# Cllrs Tingle and Blackmoor arrived)

08/024 Approval of minutes of previous meeting

The minutes of the Annual Parish Council meeting held 29/05/2008 were amended to show:
min no. 08/005 : Cllr D Carter, declared interest as member of NWWA
min no. 08/007 : Environment & Highways Committee to include Cllr G Blackmoor;
min no. 08/013 : Re removal of BT payphones, add - from 'adjacent to' this parish -; and were approved.

08/025 Chairman's Report

As attached

08/026 Questions from councillors

None put forward

08/027 Committee / Group / Representation Reports

- a) **Finance Committee:** No report
- b) **Planning Committee:** Meeting held 12/06/08 had considered the latest notifications including the application for change of use from retail to restaurant & take-away at 129/131 Golden Cross Lane and had submitted comments to the Planning Authority. Also advice received from BDC relating to temporary reduction of Planning Enforcement Officers.
- c) **Environment & Highways:** As per minutes 23/06/08, including judging of hanging baskets/containers to take place week commencing 14/07/2008 by PM, AP, GW.; the horse course balancing pools are designed to work unaided; drainage improvements have taken place in Wildmoor Lane and by the War Memorial; the Lengthsman scheme to be reviewed.
- d) **Youth Group:** No report
- e) **Personnel:** No report
- f) **Website & IT Support:** PM – many improvements to the website with e-mail situation having been sorted and the draft Parish Plan now down-loadable as PDF; the latest minutes are to be uploaded; What's On has been updated; hanging basket competition and Fun Day publicised. PM to call a meeting re: host provider for website.

- g) **Parish Plan Group:** The draft plan had been printed and distributed at the Fun Day; follow-up sessions will be held at the Village Hall on Saturdays 20th and 27th September.
- h) **Fun Day:** The annual Fun Day was held 21/06/08; this council's stall included the draft Parish Plan, energy conservation representative & samples, sales for duck race (funds to NWWA), leaflets relating to health and safety + free give-aways in environmentally friendly bags and refreshments; members agreed it went well despite poor weather.
- i) **Worcs CALC Bromsgrove Area Committee, 04/06/08:** GW and GL attended.
- j) **Bromsgrove Parish Forum, 24/06/08:** GW and GL attended, included a presentation on 'Smartwater', a burglary deterrent. It was agreed to include this on the next agenda.



08/028 Members' Code of Conduct

It was agreed to adopt the revised (2007) Members' Code of Conduct with paragraph 12(2) which allows council members with a prejudicial interest the same rights as members of the public to speak on the subject in which they have an interest before withdrawing from the meeting.

The members who had yet to complete their form relating to the Register of Interests were reminded to do so.

08/029 Co-option of members

It was agreed to co-opt Mrs A Glendenning to the Catshill Ward.

A notice for the Marlbrook Ward notice board would invite applicants for co-option.

08/030 Committee / group structure

It was agreed as follows:

- a) retain the existing Finance and Planning Committees;
- b) convert the existing Environment & Highways, Personnel, and Appeals groups into Parish Council committees;
- c) retain the Website and IT Support Working Party, to meet when necessary and liaise regularly with the council administration;
- d) encourage the setting up of an independent Youth group, with the parish council-appointed members providing updates to the parish council when appropriate;
- e) support the establishment of an independent Parish Plans Group, with start-up funding, publicity, grant-aid etc. whilst retaining the intention to adopt the Plan on completion;
- f) consider the setting up of ad hoc working parties as and when required, with clear guidelines, for the purpose of research, or completion of a specific parish council project, working through the council administration;
- g) establish an Events Committee;
- h) review the Terms of Reference of all the above.

08/031 Councillor Training

It was agreed to take up the offer of training via Local Council Services, but at some time in September, not July. Other parish councils would be invited to attend.

08/032 Community Transport Review

BDC's review of community transport provision was completed, with preference expressed for the option of an independent body providing facilities such as dial-a-ride; strong support for public transport/community transport links between the parish and Bromsgrove railway station (or nearest railway station) and also between Catshill & North Marlbrook and Redditch Hospital.

08/033 Finance Report and bills for payment

The report, including bills for payment, was approved.

Members were notified of the new mileage rates for travelling allowances 2008/09, as advised by BDC.

08/034 Items for consideration at next meeting not already mentioned

For consideration by Parish Plan Group – to ensure the historic nature of the parish is clearly outlined, eg reference to nail-makers' cottages.

08/035 Date and time of next meeting

The next Parish Council meeting will be held on Thursday 31st July 2008 at 7.30pm.

This meeting ended at 9.30pm

Signed..... Date.....
Chairman of Catshill & North Marlbrook Parish Council 31st July 2008

Your Ref:

Our Ref: DW

If telephoning please ask for
Debbie Warren (01527) 881609
Email: d.warren@bromsgrove.gov.uk

Councillor D Carter



8 September 2008

Dear Councillor Carter,

Register of Interests Form

It has been brought to my notice that you have not yet completed a Register of Interests form following the adoption last year of the new Code of Conduct by Catshill & North Marlbrook Parish Council.

May I remind you that it is a statutory requirement that all councillors complete a Register of Interests form within 28 days of the adoption of the new Code, and that not doing so amounts to a breach of the Code of Conduct.

I enclose a copy of a form and would be grateful if you would please complete it and return it to either me or to your parish council clerk as soon as possible.

Yours sincerely,


Deborah Warren
Deputy Monitoring Officer

Your Ref:

Our Ref: DW

If telephoning please ask for
Debbie Warren (01527) 881609
Email: d.warren@bromsgrove.gov.uk

Councillor D Carter

[REDACTED]

8 September 2008

Dear Councillor Carter,

Register of Interests Form

Further to my earlier letter I enclose the form which was omitted.

Yours sincerely,

[REDACTED]

Deborah Warren
Deputy Monitoring Officer

Your Ref:

Our Ref: DW

If telephoning please ask for
Debbie Warren (01527) 881609
Email: d.warren@bromsgrove.gov.uk

Councillor D Carter

[REDACTED]

9 December 2008

Dear Councillor Carter,

Register of Interests Form

I wrote to you in September asking you to complete a Register of Interests form. I have no record of having received this, and I would be grateful if you could complete the enclosed form and return it to your Parish Council Clerk.

It is possible that your form was received here but misplaced, and if that was the case I apologise for asking you to complete this form again.

Yours sincerely,

Deborah Warren
Deputy Monitoring Officer

Your Ref:

Our Ref: CF

If telephoning please ask for
Claire Felton (01527) 881429
Email: c.felton@bromsgrove.gov.uk

Councillor D Carter



6 January 2009

Dear Councillor Carter

Register of Interests Form

Further to Deborah Warren's letter to you of 9 December 2008, I note that the Council has still not received a completed Register of Interests form.

As a Parish Councillor you are obliged to submit a completed form to me as Monitoring Officer and until you do so you are in breach of the Code of Conduct.

In the circumstances I would be obliged if you could arrange for the form to be returned to me by return of post.

If you require any advice or assistance please do not hesitate to contact me.

Yours sincerely

Claire Felton
Monitoring Officer

BROMSGROVE DISTRICT 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) DAVE GEORGEY CARTER.

a Member of the Council/co-opted Member of the 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>WINDMILL GUARDS ASSOCIATION</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

(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"

SALES MANAGER

(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

EUROTEK OFFICE FURNITURE LTD

(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 Bromsgrove District Council

N/A

(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

N/A

(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.

N/A.

(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.

N/A.

(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)

47.1 STONBRIDGE ROAD
CASWICK

MY HOME

- (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)

N/A

- (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)

N/A

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

(b)	I have the following other interest that I desire to bring to the public's attention through the Register

OTHER

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


MEMBER'S SIGNATURE

Date	28/1/2009
Member's Name (Capitals – in full)	DANIEL GEORGE CARTER
Member's signature	

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	3rd February 2009
Signature of the Monitoring Officer	

Bromsgrove District Council

Standards Assessment Sub-Committee

**Decision Notice:
Referral for Investigation**

Reference: 14/08 Councillor D Carter

This Decision Notice is sent to the person or persons making the allegation, the Member against whom the allegation was made and the clerk to the parish council.

Complaint

On 20 February 2009 the Bromsgrove District Council Standards Assessment Sub-Committee considered a complaint from the Clerk to Catshill and North Marlbrook Parish Council concerning the alleged conduct of Councillor D Carter, a Member of Catshill and North Marlbrook Parish Council.

A general summary of the complaint is that Councillor Carter has failed to complete and return his Register of Interests form within the required 28 days of the adoption of the new Code of Conduct by Catshill and North Marlbrook Parish Council.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Standards Assessment Sub-Committee decided to refer the allegation to the Monitoring Officer for investigation.

Potential breaches of the Code of Conduct identified

The Standards Assessment Sub-Committee identified the paragraphs of the Code of Conduct which may apply to the alleged conduct as being:

- failing to register interests

What happens now?

The complaint will be investigated by a person appointed by the Monitoring Officer.

The Standards Board for England has published a guide to the investigation process which is available on its website at <http://www.standardsboard.gov.uk/TheCodeofConduct/Guidance/Investigation/s/filedownload.16685.en.pdf>

Signed Date
Chairman of the Standards Assessment Sub-Committee

Appendix H

Local Investigation ref:14/08

CHRONOLOGY

<u>Date</u>	<u>Description</u>
October 2007	At a meeting of the Catshill and North Marlbrook Parish Council the minutes show that a copy of the new Code of Conduct was distributed to the councillors.
26 th June 2008	At a parish council meeting held on the 26 th June 2008 the Parish Council resolved to adopt the full version of the new Code of Conduct. The minutes show that Councillor Carter was present at that meeting.
8 th September 2008	Parish Clerk contacts the Deputy Monitoring Officer as there are two outstanding Register of Interests forms. The same day the Deputy Monitoring Officer sends a letter to Councillor Carter requesting a completed form.
November 2008	The Parish Clerk also writes to Councillor Carter to complete the form. At about the same time the Parish Clerk speaks to Councillor Carter who confirms that he had not yet completed his form.
9 th December 2008	The Deputy Monitoring Officer again writes to Councillor Carter to request the completed form.
6 th January 2009	The matter was referred to the Monitoring Officer who writes to Councillor Carter to request the completed form.
3rd February 2009.	The completed Register of Interests Form was received by the Monitoring Officer on the 3 rd February 2009.

SCHEDULE OF UNUSED MATERIAL**INVESTIGATION: ref 14/08**

<u>Item number</u>	<u>Description</u>	<u>Comment</u>
<u>i</u>	Routine emails and letters between the Deputy Monitoring officer and the Parish Clerk. Various dates.	Routine correspondence that add nothing to the investigation.
<u>ii</u>	Routine emails and letters between the Monitoring Officer and the Parish Clerk. Various dates.	"

In the course of this investigation I have been provided with some documents that I have considered but which do not advance the investigation. They are detailed above and can be made available if requested.

Signed _____

Vanessa Brown (Investigating Officer)