

DORCHESTER TOWN COUNCIL

POLICY COMMITTEE

15th MAY, 2007

At a Meeting of the Policy Committee held on 15th May, 2007:

PRESENT The Mayor (Councillor R.B. Potter) and Councillors M.A. Allwood, R.M. Biggs, V. Black, T.C.N. Harries, Trevor Jones (Chairman) and L.M. Phillips.

In attendance:

Ms. R. McKechnie, Audit Commission.

APOLOGY for absence was received from Councillor C.M. Hebditch.

39. **MINUTES**

The Minutes of the Meeting of the Committee held on 20th March, 2007, adopted by Council on 27th March, 2007, were taken as read and were confirmed and signed by the Chairman as a correct record.

40. **FINAL ACCOUNTS – 2005-06**

The Committee considered a revised copy of the Final Accounts for 2005-06 which had been modified to take account of an error in the 2001 District Valuer's valuation of the Council's properties which had omitted the land value in respect of the Municipal Buildings, estimated at £150,000. This had been identified during the 2006 revaluation and represented a material change to the Accounts. The revised version of the Final Accounts also incorporated group disclosures which was a requirement imposed for the first time in 2005-06.

Ms McKechnie presented the Annual Governance Report and confirmed that, subject to the approval of the revised Accounts by the Committee, the Audit Commission would issue an unqualified opinion on them.

The need for documentation of the Council's financial procedures had already been identified and was being progressed by the Council's Financial Service Provider who expected to be in a position to report on it to the meeting of this Committee to be held on 17th July; a report would be submitted to the same meeting addressing the two matters raised in the use of resources audit.

It was

RESOLVED

- (1) That the revised Final Accounts for 2005-06 as now submitted be approved and appropriately certified by the Chairman and the Town Clerk and that the Town Clerk be authorised to issue the Letter of Representation accordingly.

- (2) That the Town Clerk be requested to report to the next meeting of this Committee on the measures necessary to address the issues raised in the use of resources audit following discussions with representatives of the Audit Commission and the Council's Financial Services Provider.

41. **INTERNAL AUDIT**

The Committee considered the most recent report of the Council's Internal Auditor in the light of a report from the Financial Service Provider on the action being taken to address the various issues raised.

It was

RESOLVED

That the report be noted and that the Financial Service Provider be requested to submit a further progress report to the next meeting of this Committee with particular reference to the need for documentation of the Council's financial systems.

42. **ANNUAL TOWN MEETING – 27th MARCH, 2007**

The Committee received and noted the Minutes of the Annual Assembly of the Town Meeting for Dorchester held on 27th March, 2007.

43. **BEST VALUE PERFORMANCE AND POLICY PLAN – 2007**

The Town Clerk reminded the Committee that Best Value Performance and Policy Plan for 2007 was required to be published by 30th June, 2007 and it was

RESOLVED

That approval of the Best Value Performance and Policy Plan for 2007 be delegated to a working group consisting of the Chairmen and Vice Chairmen of the Management, Policy and Planning and Environment Committees.

44. **MEMBERS' CODE OF CONDUCT**

The Committee noted that the Standards Board for England had published a revised model code of conduct for town and parish councils which needed to be adopted by 1st October, 2007 in the light of a legal briefing prepared by the National Association of Local Councils drawing attention to the principal changes represented in it.

Following discussion it was

RECOMMENDED

That the revised Code of Conduct for Members set out at Appendix I, incorporating at paragraph 10(2) the optional provision which allows members with a prejudicial interest in a matter to address the committee considering the matter prior to withdrawing from the meeting, be adopted with effect from the next Annual Council Meeting.

45. **DORCHESTER NEWS**

The Committee considered the report of the Town Clerk on the present arrangements for the production of Dorchester News and, following discussion, it was

RECOMMENDED

- (1) That the Town Clerk be requested to arrange for the next two editions of Dorchester News to be produced in full colour and that the matter be further considered in the light of the public reaction to those publications.
- (2) That the Town Clerk be requested to investigate the methods used by other public authorities for the distribution of their publications and that the Chairman and Vice-Chairman of this Committee be authorised to give instructions on any changes to the distribution arrangements for Dorchester News in the light of the outcome of those investigations.

46. **LOCAL GOVERNMENT ASSOCIATION**

Further to the report at Minute 37 on the demise of the Association of Larger Local Councils the Committee noted that the Local Government Association was in the process of introducing an Associate category of membership which would give access to many of the resources of the Association for an annual subscription presently set at £2,500.

It was

RECOMMENDED

That the Town Clerk be authorised to pursue this matter with the Local Government Association with a view to the Council becoming as Associate Member as soon as possible.

47. **APPOINTMENTS TO OTHER BODIES**

The Committee noted the need for early appointments to be made to the Poundbury Inter-Authority Working Panel, the Dorchester Traffic and Environment Plan Working Group and the PACT Steering Group.

The Committee also considered an invitation for the Council to appoint a representative to attend a workshop on the rough sleepers initiative to be held on Monday, 21st May.

It was

RESOLVED

- (1) That the Chairmen for the time being of the Management and Policy Committees be appointed to represent the Council on the Poundbury Inter-Authority Working Panel.
- (2) That all members be invited to express interests in representing the Council on the Dorchester Traffic and Environment Plan Working Group and the PACT Steering Group and that the matter be determined at next week's Council Meeting.
- (3) That Councillor V. Black be appointed to represent the Council at the workshop on the rough sleepers initiative.

48. **CONNECTING DORSET**

The Committee considered an invitation received from the Dorset Association of Parish and Town Councils for the Council to take part in the Connecting Dorset initiative through which the Council would receive some items of computer hardware and a dedicated broadband connection free of charge although it would be responsible for the ongoing costs associated with the provision of the equipment and connection.

It was

RESOLVED

That the Council take part in the Connecting Dorset initiative on the basis now outlined.

Chairman

DORCHESTER TOWN COUNCIL

MEMBERS CODE OF CONDUCT

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 and reproduced in the Annex 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;
 - (c) any of the authority’s committees, sub-committees, joint committees, joint sub-committees, or area 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);
 - (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
 - (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;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

PART 2

INTERESTS

Personal interests

7. (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 other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- (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

8. (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 7(1)(a)(i) or 7(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 12, 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

9. (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 7;
 - (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 7; or
 - (c) relates to the functions of your authority in respect of –
 - (i) 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;
 - (ii) an allowance, payment or indemnity given to members;
 - (iii) any ceremonial honour given to members; and
 - (iv) setting council tax or a precept under the Local Government Finance Act 1992.

Effect of prejudicial interests on participation

10. (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;
 - (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

11. (1) Subject to paragraph 12, 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 12, 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

12. (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 11.
- (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.

THE GENERAL PRINCIPLES OF PUBLIC SERVICE
as set out in the Relevant Local Authorities (General Principles) Order 2001

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.