



Seaford Town Council

To Members of the Seaford Town Council

A meeting of the Seaford Town Council will be held at the Council Chamber, 37 Church Street Seaford, on Thursday, 14 June, 2011, at 7.00 pm, which you are summoned to attend.

S J Shippen
Town Clerk
8 June, 2012.

AGENDA

1. Apologies for Absence.

To consider apologies for absence.

2. Minutes.

To approve the minutes of the Annual Meeting held on 10 May 2012.

3. Disclosure by members of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.

4. Public Participation.

To deal with any questions, or brief representations, from members of the public in accordance with Standing Order 1 and Seaford Town Council Policy.

5. Mayor's Appointments and Communications.

- a) To receive any communications, as the Mayor may desire, to put before the Council and to note the Mayor's past and future engagements, report 28/12 (pages 3 to 4).
- b) To receive the Mayor's verbal report on Seaford Town Council Queen's Diamond Jubilee Celebrations.

6. Police Report.

To receive a verbal report from Police Sergeant Chris Wright on policing in Seaford.

7. Annual Return for the year ended 31 March 2012.

To consider report 27/12 regarding the Annual Return and Final Accounts for the year ended 31 March 2012. (pages 5 to 24).

8. Code of Conduct

To consider report 29/12 regarding the code of conduct for Councillors (to follow)

9. Standing Orders

To consider report 30/12 concerning the review of Standing Orders (pages 25 to 26)

10. Outside Bodies - Members Reports

To consider report 31/12 concerning reports from member representing the Council on Outside Bodies that were not presented to the previous meeting (pages 27 to 32)

**For further information about items appearing on this agenda, please contact Mrs. S. Shippen, Town Clerk, 37 Church Street, Seaford, East Sussex, BN25 1HG.
Telephone 01323 894870, fax 01323 872976.**



Seaford Town Council

Report 28/12

Agenda Item No: 5 a
Date: 14 June 2012
Committee: Council
Title: Mayor's Engagements
By: Paula Woolven, Mayor's Secretary
Wards Affected: All Seaford Wards
Purpose of Report: To report the Mayor's engagements.

Recommendations

You are recommended:

1. To note the report.
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1. Information

The Mayor, Deputy Mayor or Leader, has either attended, or is due to attend 18 functions as a representative of this Council at the time of the production of this report. A schedule of engagements not previously reported is attached as Appendix A.

2. Financial Appraisal

There are no financial implications in this report.

3. Contact Officer

The Contact Officer for this report is Paula Woolven, Mayor's Secretary.

Mayor's Secretary

Town Clerk

List of Mayors Previously Unreported Engagements
Appendix A

Mayor Wallraven 2012 - 2013				
Date	Time	Organisation	Event	Venue
11/05/2012	14:30	Chyngton Primary School	Prize Presentation	Millberg Road
17/05/2012	19:45	Lewes Town Council	Mayor Making	Town Hall Assembly Rooms, Lewes
25/05/2012	14:00	Chyngton Primary School	Presentation of Jubilee Mugs	Millberg Road
28/05/2012	09:00	Seaford Primary School	Presentation of Jubilee Mugs	Seaford Primary School
30/05/2012	13:30	St James Trust / SDSASNG	Charity Meeting	37 Church Street
31/05/2012	13:15	Annecy Primary School	Presentation of Jubilee Mugs	Annecy Primary School
01/06/2012	19:15	Peacehaven Town Council	Mayors Reception	Meridian Centre, Peacehaven
01/06/2012	18:30	Drusillas Park	Dreamnight for disabled children	Drusillas Park, Alfriston
06/06/2012	19:30	Seaford Musical Theatre	When The Lights Go On Again Show	The Barn Theatre, Saxon Lane
08/06/2012	11:45	Drusillas Park	Young Mayors Bravery Winners Day	Drusillas Park, Alfriston
09/06/2012	10:30	Arts@theCrypt	Society of Sussex Painters Exhibition	23 Church Street, Seaford
13/06/2012	19:00	Royal Society of St George	Queens Birthday Dinner	Seaford Head Golf Club
14/06/2012	12:30	Cradle Hill Primary School	Jubilee Street Party / Mug Give Away	Cradle Hill Primary School
17/06/2012	12:00	Seaford Town Council	Sussex Day Flag Raising	Martello Tower
19/06/2012	18:30	East Sussex County Council	Chairmans Reception	De La Warr Pavillion, Bexhill
23/06/2012	18:30	Peacehaven Town Council	Civic Service	Edith Avenue Church, Peacehaven
08/07/2012	10:15	St Andrews Church	Sea Sunday Service	St Andrews Church



Seaford Town Council

Report 27/12

Agenda Item No:	7
Committee:	Council
Date:	14 June 2012
Title:	Annual Return and Final Accounts for the Year Ended 31 March 2012.
By:	Simon Cooper, Corporate Services Manager.
Wards Affected:	All Seaford Wards.
Purpose of Report:	To present Final Accounts and Annual Return for the year ended 31 March 2012 for approval and adoption.

Recommendations

You are recommended:

- 1. To approve the accounts for the year ended 31 March 2012, as at Appendix A of this report.**
 - 2. To complete the Annual Governance Statement for the Year Ended 31 March 2012, as at Appendix D of this report.**
 - 3. To approve the Annual Return for the Year Ended 31 March 2012 and authorise the Mayor, Corporate Services Manager and Town Clerk to sign on behalf of the Council as required.**
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1. Information

- 1.1** The Annual Return is required by law to be approved by a meeting of the full council.
- 1.2** Section 1 (page 2) of the Return - The Statement of Accounts requires approval by Council and signature by the Mayor and RFO (in our case Corporate Services Manager). The accounts are "subject to audit" as they have not yet been audited by Mazars LLP, who are the Council's appointed external auditors. A copy is attached as Appendix A with supporting documentation being provided as Appendix B and a reconciliation summary as Appendix C.
- 1.3** Section 2 (page 3) of the Return – The Annual Governance Statement requires completion and approval by the Council. A copy is attached as Appendix D.
 - (a)** Statement 1 can be answered yes as the accounting statements have been prepared in the way prescribed by law and best practice as contained in

Governance and Accountability for Local Councils a Practitioners' Guide. They have been reviewed by the Internal Auditor.

- (b) Statement 2 can be answered yes as Internal Controls have been in place and applied throughout the year. Internal Controls were reviewed by the Finance and General Purposed Committee at its meeting held on 16 February 2012. The review of the effectiveness of Internal Audit is no longer required to be carried out by the Council, however officers carried out such a review on a similar basis to prior years and are of the opinion that the Internal Audit process is indeed effective.
 - (c) Statement 3 can be answered yes as transactions have been reviewed by the Finance and General Purposes Committee and the Internal Auditor.
 - (d) Statement 4 can be answered yes a "Notice of appointment of date for the exercise of electors' rights" is being posted on 11 June 2012 and appropriate access to documents will be given in accordance with the relevant legislation. Electors rights were complied with in respect of the 2010-11 Annual Return.
 - (e) Statement 5 can be answered yes as a Financial Risk Assessment and Risk Management Plan were reviewed by the Finance and General Purposes Committee at its meeting held on 16 February 2012. Insurance cover has been reviewed and is in place.
 - (f) Statement 6 can be answered yes as Internal Audit reports are reviewed by the Finance and General Purposes Committee throughout the year, an Action Plan agreed in response to the report. An Audit Plan is agreed annually. The effectiveness of Internal Audit was reviewed as noted in (b) above.
 - (g) Statement 7 can be answered yes as the Finance and General Purposes Committee has responded to comments and suggestions made by Auditors throughout the year, by formulating Action Plans.
 - (h) Statement 8 can be answered yes as Officers are not aware of any transactions or activities which require disclosure and have not been disclosed.
 - (i) Statement 9 can be answered as not applicable.
- 1.4 Section 4 (page 5) of the Return has been completed by the Internal Auditor and a copy is attached as Appendix E. A copy of his report supporting the Return is attached as Appendix F.
- 1.5 The notice of appointment of date for the exercise of elector's rights must be posted on 11 June 2012, the Annual Return and supporting documentation will be available for public inspection between 27 June and 20 July 2012 and the date set for the exercise of electors' rights is 24 July 2012.
- 1.6 The Annual Return must be submitted to Mazars by 4 July 2012.

2. Financial Appraisal

The deadline for Councils to approve the Annual Return is 30 June 2011. If the Auditors do not receive the Annual Return by 4 July any follow up action will be charged by Mazars.

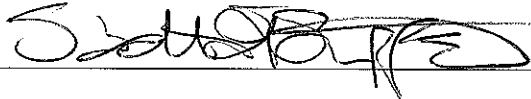
3. Contact Officer

The Contact Officer for this report is Simon Cooper. Corporate Services Manager

Corporate Services Manager



Town Clerk



Section 1 - Accounting statements for

SEAFORD TOWN COUNCIL

Readers should note that throughout this annual return references to a 'local council' or 'council' also relate to a parish meeting.

	Year ending:		Notes and balances:
	31 March 2011	31 March 2012	
1 Balances brought forward	270,797	309,087	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2 (+) Annual precept	450,242	464,860	Total amount of precept received or receivable in the year.
3 (+) Total other receipts	573,934	499,204	Total income or receipts as recorded in the cashbook less the precept received (line 2). Include any grants received here.
4 (-) Staff costs	275,416	274,118	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5 (-) Loan interest/capital repayments	33,091	33,091	Total expenditure or payments of capital and interest made during the year on the council's borrowings (if any).
6 (-) All other payments	677,379	635,725*	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7 (=) Balances carried forward	309,087	330,217	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6)
8 Total cash and short term investments	431,742	584,394	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March - to agree with bank reconciliation.
9 Total fixed assets and long term assets	8,640,387	8,935,376	The recorded book value at 31 March of all fixed assets owned by the council and any other long term assets e.g. loans to third parties and any long term investments.
10 Total borrowings	254,952	235,071	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).
11 Trust funds (including charitable) disclosure note	YES <input checked="" type="checkbox"/> NO	YES <input checked="" type="checkbox"/> NO	Disclosure Note: The council acts as sole trustee for and is responsible for managing trust funds or assets. (Readers should note that the figures above do not include any trust transactions.)

I certify that for the year ended 31 March 2012 the accounting statements in this annual return present fairly the financial position of the council and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer

Date

I confirm that these accounting statements were approved by the council on this date:

and recorded as minute reference:

Signed by Chair of the meeting approving these accounting statements.

Date

Seaford Town Council 2011/12

Page No 1

Working details for ANNUAL RETURN - Year ended 31 March 2012

	<u>Last Year £</u>	<u>This Year £</u>	<u>Code and Centre</u>		<u>Code Description</u>
1	158,757	202,914	310	0	General Fund
1	13,000	11,494	320	0	Reserve Elections
1	25,617	25,617	321	0	Reserve Building Improvements
1	10,118	15,318	326	0	Reserve Open Spaces
1	20,690	17,270	327	0	Reserve S106
1	9,419	5,023	334	0	Seaford Head Nature Reserve
1	6,002	0	336	0	Year End Provisions
1	10,000	10,000	337	0	Reserve Church St Utilities
1	10,000	10,000	339	0	Reserve Golf Course Project
1	7,195	8,890	340	0	Reserve Equipment
1	0	561	341	0	Seaford Residents Assn
1	0	2,000	342	0	Tree Planting
1	Balances brought forward	270,798 <i>(1) Rounding</i> <u>270,797</u>	309,087	Total balances & reserves at the beginning of the year as recorded in the Council Financial Records	
2	450,242	464,860	1176	801	Precept
2	Annual Precept	450,242	464,860	Total amount of Precept income received in the year	
3	141,914	147,884	1000	101	Golf Course Season Ticket
3	65,569	64,654	1001	101	Golf Course Green Fees M-F
3	61,861	63,491	1002	101	Golf Course Green Fees w/eb/h
3	39,577	32,596	1003	101	Golf Course Specials
3	1,845	2,121	1004	101	Golf Course Locker
3	145	223	1005	101	Golf Course Credit Card Charge
3	3,750	5,000	1007	101	Golf Course Air Traffic
3	1,000	3,000	1010	101	Asset Sale/Part Exchange Value
3	194	35	1049	201	Income Postage Recharge
3	4,688	6,250	1050	101	Income Rent
3	920	937	1050	105	Income Rent
3	1,834	2,288	1050	106	Income Rent
3	3,185	4,725	1050	107	Income Rent
3	2,117	2,792	1050	113	Income Rent
3	1,875	3,750	1050	116	Income Rent
3	956	1,275	1050	119	Income Rent
3	777	807	1050	125	Income Rent
3	1,436	1,321	1050	205	Income Rent
3	15,000	14,844	1050	206	Income Rent
3	287	707	1051	101	Income Insurance Recharge
3	218	1,193	1051	105	Income Insurance Recharge
3	459	792	1051	106	Income Insurance Recharge
3	195	194	1051	119	Income Insurance Recharge
3	601	721	1051	206	Income Insurance Recharge
3	12,500	8,364	1052	105	Income Projects
3	12,943	0	1052	106	Income Projects
3	3,000	0	1052	108	Income Projects
3	7,638	7,638	1053	116	Income Grants

Continued on Page 2

Working details for ANNUAL RETURN - Year ended 31 March 2012

	<u>Last Year £</u>	<u>This Year £</u>	<u>Code and</u>	<u>Centre</u>	<u>Code Description</u>
3	4,490	2,735	1053	121	Income Grants
3	240	0	1053	301	Income Grants
3	1,430	1,967	1054	101	Income Other
3	2,010	678	1054	105	Income Other
3	20	1,081	1054	106	Income Other
3	125	0	1054	107	Income Other
3	848	0	1054	113	Income Other
3	0	650	1054	116	Income Other
3	0	2,715	1054	117	Income Other
3	101	221	1054	118	Income Other
3	2,695	0	1054	121	Income Other
3	939	2,959	1054	125	Income Other
3	1,063	35	1054	201	Income Other
3	1,513	5,600	1054	205	Income Other
3	0	60	1054	206	Income Other
3	28	0	1054	210	Income Other
3	0	345	1054	301	Income Other
3	0	619	1055	101	Income Seating
3	1,837	659	1055	105	Income Seating
3	0	569	1055	106	Income Seating
3	609	0	1055	108	Income Seating
3	298	83	1055	117	Income Seating
3	180	925	1056	210	Fun Day & Tourney
3	1,210	1,035	1057	101	Income Electricity Recharge
3	2,281	127	1057	105	Income Electricity Recharge
3	117	171	1057	106	Income Electricity Recharge
3	1,777	2,562	1057	117	Income Electricity Recharge
3	929	1,850	1058	105	Income Water Recharge
3	51	17	1058	117	Income Water Recharge
3	426	234	1059	201	Photocopying Income
3	12,877	13,238	1060	118	Beach Huts Site Licence
3	9,024	9,607	1061	118	Beach Hut Annual Rent
3	1,256	779	1062	201	Income Telephone Recharge
3	2,303	2,024	1063	101	Income Gas Recharged
3	1,404	1,100	1064	135	Income Young Mayor/Personality
3	1,500	450	1065	135	Income Xmas Lights
3	12,000	11,858	1066	105	Concession Income
3	2,875	2,875	1066	108	Concession Income
3	2,950	3,300	1066	116	Concession Income
3	31,760	33,950	1066	117	Concession Income
3	81,920	0	1067	113	Crypt LDC Contribution
3	27	153	1068	201	Income Stationery Re-Charge
3	0	707	1070	135	Community Services Events
3	0	890	1075	135	Christmas Event
3	1,031	1,550	1100	101	Income Advertising

Working details for ANNUAL RETURN - Year ended 31 March 2012

	<u>Last Year £</u>	<u>This Year £</u>	<u>Code and</u>	<u>Centre</u>	<u>Code Description</u>
3	1,306	2,008	1190	201	Interest Received
3	0	9,216	1200	120	Income Nature Reserve
3	573,934	499,204	Total income or receipts as recorded in the cashbook minus the Precept		
4	77,600	71,669	4000	101	Salaries & Wages
4	153,226	156,006	4000	201	Salaries & Wages
4	5,400	4,192	4001	101	Employers NI
4	13,760	13,676	4001	201	Employers NI
4	8,890	11,423	4002	101	Employers Superannuation
4	16,539	17,152	4002	201	Employers Superannuation
4	275,416	274,118	Total expenditure or payments made to and on behalf of all council employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and expenses		
5	18,089	18,089	4301	205	Public Works Loan Payment
5	15,002	15,002	4301	206	Public Works Loan Payment
5	33,091	33,091	Total expenditure or payments of capital and interest made during the year on the Council borrowings		
6	1,481	0	4009	201	Recruitment Costs
6	225	180	4010	101	Staff Training
6	1,618	991	4010	201	Staff Training
6	800	742	4011	101	Staff Protective Clothing
6	57	206	4012	201	Staff Expenses
6	9	0	4013	201	Members Expenses
6	0	59	4013	210	Members Expenses
6	0	609	4014	201	Member Training
6	35,000	35,000	4041	101	Golf Professional Retainer
6	767	2,316	4045	101	Golf Course Player Costs
6	15,000	15,000	4050	205	Rent payable
6	1,397	1,569	4051	101	Rates
6	518	541	4051	105	Rates
6	538	563	4051	108	Rates
6	1,671	5,023	4051	113	Rates
6	1,421	1,593	4051	118	Rates
6	8,880	9,288	4051	205	Rates
6	7,998	8,407	4052	101	Water & Sewerage
6	6,786	2,982	4052	105	Water & Sewerage
6	2,349	2,297	4052	106	Water & Sewerage
6	46	119	4052	108	Water & Sewerage
6	117	78	4052	113	Water & Sewerage
6	87	113	4052	117	Water & Sewerage
6	530	0	4052	205	Water & Sewerage
6	6,053	5,170	4055	101	Electricity
6	222	485	4055	105	Electricity
6	234	342	4055	106	Electricity

Working details for ANNUAL RETURN - Year ended 31 March 2012

	<u>Last Year £</u>	<u>This Year £</u>	<u>Code and Centre</u>		<u>Code Description</u>
6	751	1,118	4055	113	Electricity
6	1,644	2,625	4055	117	Electricity
6	1,534	1,799	4055	134	Electricity
6	3,670	0	4055	205	Electricity
6	0	66	4055	206	Electricity
6	5,415	4,049	4056	101	Gas
6	1,161	2,144	4056	113	Gas
6	0	6,756	4059	205	Church Street Service Charges
6	291	301	4060	101	Refuse
6	160	191	4060	205	Refuse
6	273	235	4100	101	Telecommunications
6	194	310	4100	113	Telecommunications
6	7,794	3,978	4100	201	Telecommunications
6	347	245	4105	101	Postage
6	12	12	4105	113	Postage
6	2,332	1,396	4105	201	Postage
6	144	323	4106	101	Stationery
6	66	211	4106	113	Stationery
6	2,591	2,437	4106	201	Stationery
6	0	379	4106	210	Stationery
6	1,523	2,160	4107	201	Photocopier
6	2,209	2,303	4110	101	Advertising & Publicity
6	142	563	4110	113	Advertising & Publicity
6	132	333	4110	201	Advertising & Publicity
6	9,184	159	4111	201	Office Equipment New
6	3,960	3,942	4112	201	Subscriptions
6	115	265	4113	101	Software Support
6	0	2,895	4113	201	Software Support
6	75	75	4114	101	Licence Fee
6	64	0	4114	201	Licence Fee
6	9,996	9,471	4115	101	Insurance
6	1,224	2,322	4115	105	Insurance
6	541	1,768	4115	106	Insurance
6	104	0	4115	108	Insurance
6	376	1,100	4115	113	Insurance
6	2,044	1,961	4115	115	Insurance
6	319	1,098	4115	116	Insurance
6	54	488	4115	117	Insurance
6	422	887	4115	118	Insurance
6	223	169	4115	119	Insurance
6	824	757	4115	134	Insurance
6	0	117	4115	135	Insurance
6	6,913	3,125	4115	201	Insurance
6	126	0	4115	205	Insurance
6	546	700	4115	206	Insurance

Working details for ANNUAL RETURN - Year ended 31 March 2012

	<u>Last Year £</u>	<u>This Year £</u>	<u>Code and</u>	<u>Centre</u>	<u>Code Description</u>
6	0	799	4116	201	Web Site
6	0	1,250	4155	101	Professional Fees
6	6,100	0	4155	113	Professional Fees
6	5,298	3,580	4155	201	Professional Fees
6	1,562	2,092	4156	101	Bank Charges
6	124	110	4156	201	Bank Charges
6	6,057	8,750	4157	201	Audit Fees
6	915	1,000	4181	210	Civic - Mayors Allowance
6	18	24	4182	201	Catering & Hospitality
6	159	215	4182	210	Catering & Hospitality
6	1,328	964	4183	210	Civic - Awards
6	120	268	4184	210	Civic - other
6	630	1,270	4185	210	Fun Day & Tourney
6	1,473	1,100	4187	135	Young Mayor /Personality
6	100	69	4188	210	Town Crier Expenses
6	5,506	20,307	4190	201	Election Costs
6	0	552	4195	135	Community Services Events Exp
6	294	468	4199	101	Other Expenditure
6	2,020	0	4199	105	Other Expenditure
6	0	900	4199	106	Other Expenditure
6	6	0	4199	118	Other Expenditure
6	938	941	4199	125	Other Expenditure
6	112	120	4199	201	Other Expenditure
6	118	0	4199	210	Other Expenditure
6	9	125	4199	301	Other Expenditure
6	6,127	6,250	4201	101	Cleaning
6	1,697	1,750	4201	105	Cleaning
6	32	9	4201	113	Cleaning
6	76	23	4201	117	Cleaning
6	0	7	4201	201	Cleaning
6	2,150	0	4201	205	Cleaning
6	0	542	4250	101	Public Seating
6	1,864	687	4250	105	Public Seating
6	0	577	4250	106	Public Seating
6	1,048	510	4250	108	Public Seating
6	71	300	4250	117	Public Seating
6	0	99	4250	120	Public Seating
6	668	596	4251	101	Dog Bin Emptying
6	1,780	657	4251	105	Dog Bin Emptying
6	1,113	569	4251	106	Dog Bin Emptying
6	890	456	4251	107	Dog Bin Emptying
6	3,116	-185	4251	108	Dog Bin Emptying
6	890	456	4251	116	Dog Bin Emptying
6	4,229	1,152	4251	117	Dog Bin Emptying
6	670	1,083	4252	105	Litter & Dog Bin Pch & Maint

Working details for ANNUAL RETURN - Year ended 31 March 2012

	<u>Last Year £</u>	<u>This Year £</u>	<u>Code and</u>	<u>Centre</u>	<u>Code Description</u>
6	0	429	4252	106	Litter & Dog Bin Pch & Maint
6	0	242	4252	108	Litter & Dog Bin Pch & Maint
6	85	1,028	4252	117	Litter & Dog Bin Pch & Maint
6	2,075	1,440	4253	117	Shelters
6	82,459	85,600	4260	105	Grounds Maintenance Contract
6	52,797	46,181	4260	106	Grounds Maintenance Contract
6	5,349	5,541	4260	107	Grounds Maintenance Contract
6	22,973	19,870	4260	108	Grounds Maintenance Contract
6	0	1,340	4260	125	Grounds Maintenance Contract
6	23,733	24,224	4261	101	Grounds Maint non contract
6	18,490	2,808	4261	105	Grounds Maint non contract
6	919	1,413	4261	106	Grounds Maint non contract
6	1,464	1,317	4261	107	Grounds Maint non contract
6	5,680	1,377	4261	108	Grounds Maint non contract
6	206	844	4261	116	Grounds Maint non contract
6	788	2,374	4261	117	Grounds Maint non contract
6	4,914	2,345	4262	301	Tree Warden Expenses
6	356	818	4263	301	Bus Shelter Maintenance/Clean
6	13,595	13,229	4270	101	Vehicles & Equipment Maint
6	172	0	4270	106	Vehicles & Equipment Maint
6	31	0	4270	113	Vehicles & Equipment Maint
6	30	0	4270	201	Vehicles & Equipment Maint
6	448	470	4270	205	Vehicles & Equipment Maint
6	0	85	4270	206	Vehicles & Equipment Maint
6	28,022	20,996	4271	101	Vehicle & Equipment Lease'
6	33,614	15,500	4272	101	Equipment Purchase
6	0	438	4272	125	Equipment Purchase
6	13,188	8,496	4273	135	Christmas Lights
6	23,014	12,868	4274	105	Projects Expenditure
6	12,943	4,557	4274	106	Projects Expenditure
6	0	240	4274	108	Projects Expenditure
6	3,450	35,052	4274	113	Projects Expenditure
6	0	7,408	4274	117	Projects Expenditure
6	0	1,580	4274	125	Projects Expenditure
6	992	2,157	4274	135	Projects Expenditure
6	50	0	4274	210	Projects Expenditure
6	679	1,017	4275	101	Building Maintenance
6	443	1,611	4275	105	Building Maintenance
6	0	235	4275	106	Building Maintenance
6	2,389	414	4275	113	Building Maintenance
6	0	120	4275	114	Building Maintenance
6	0	349	4275	116	Building Maintenance
6	139	3,340	4275	117	Building Maintenance
6	45	730	4275	118	Building Maintenance
6	0	30	4275	205	Building Maintenance

Working details for ANNUAL RETURN - Year ended 31 March 2012

	<u>Last Year £</u>	<u>This Year £</u>	<u>Code and</u>	<u>Centre</u>	<u>Code Description</u>
6	2,917	15,110	4275	206	Building Maintenance
6	8,833	8,856	4276	134	CCTV
6	47,510	24,750	4277	101	New Golf Club House
6	450	850	4400	215	S137
6	10,740	19,587	4401	215	Small Grants
6	7,185	2,755	4402	121	Seaford in Bloom
6	1,209	2,492	4405	215	Grants in Kind
6	10,000	10,000	4410	130	Swimming Pool
6	0	1,860	4500	120	Nature Reserve Expenses
6	Total other payments <i>See Reconciliation</i> 666,982 <u>10,397</u> 677,379	635,724 <u>1</u> 635,725	Total expenditure or payments as recorded in the cashbook minus employment costs(Line 4) and loan / interest expenditure / payments(Line 5)		
7	Balances carried forwrd	319,485	330,217	Total balances and reserves at the end of the year.[Must equal (1+2+3)-(4+5+6)]	
8	431,657	234,279	201	0	Current/Deposit Account
8	0	350,000	210	0	Treasury Deposit
8	85	115	220	0	Petty Cash
8	Total Cash & Investments	431,742	584,394	The sum of all current and deposit bank accounts, cash holdings and investments held as at 31 March	
9	8,640,387	8,935,376	9	0	Total Fixed Assets
9	Total Fixed Assets	8,640,387	8,935,376	The recorded current book value at 31 March of all tangible fixed assets owned by the Council as recorded in the asset register	
10	254,952	235,071	10	0	Total Borrowings
10	Total Borrowings	254,952	235,071	The outstanding capital balances as at 31 March of all loans from third parties(usually PWLB)	

Seaford Town Council

Year Ended 31 March 2012

Reconciliation of Working Detail to the Annual Return

	31-Mar-11	31-Mar-12
Total balances brought forward page 1	270,798	
Rounding adjustment to agree with prior year return	-1	
Total Balances Brought Forward Box 1	<u>270,797</u>	
Total Other Payments per Working Detail page 7	666,982	635,724
Add Year End provision included in reserves at 31 mar 10 but treated as an accrual when reversed reducing Expenditure rather than a reserve movement	6,002	
Add net Nature Reserve expenditure offset directly against the reserve and not included in the Income & expenditure	4,396	
Rounding	-1	1
Total all other payments Box 6	<u>677,379</u>	<u>635,725</u>

Section 2 – Annual governance statement

We acknowledge as the members of:

SEAFORD TOWN COUNCIL

our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2012, that:

	Agreed Year Statement	Year ended 31 March 2012
1 We approved the accounting statements prepared in accordance with the requirements of the Accounts and Audit Regulations and proper practices.		prepared its accounting statements in the way prescribed by law.
2 We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.		made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
3 We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and codes of practice that could have a significant financial effect on the ability of the council to conduct its business or on its finances.		has only done things that it has the legal power to do and has conformed to codes of practice and standards in the way it has done so.
4 We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.		during the year has given all persons interested the opportunity to inspect and ask questions about the council's accounts.
5 We carried out an assessment of the risks facing the council and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.		considered the financial and other risks it faces and has dealt with them properly.
6 We maintained throughout the year an adequate and effective system of internal audit of the council accounting records and control systems.		arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of the council.
7 We took appropriate action on all matters raised in reports from internal and external audit.		responded to matters brought to its attention by internal and external audit.
8 We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on the council and, where appropriate have included them in the accounting statements.		disclosed everything it should have about its business activity during the year including events taking place after the year-end if relevant.
9 Trust funds (including charitable) – in our capacity as the sole managing trustee we discharged our responsibility in relation to the accountability for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	YES/NO/NA	has met all of its responsibilities where it is a sole managing trustee of a local trust or trusts.

This annual governance statement is approved by the council and recorded as minute reference

dated

Signed by:

Chair

dated

Signed by:

Clerk

dated

***Note:** Please provide explanations to the external auditor on a separate sheet for each 'No' response. Describe how the council will address the weaknesses identified.

Section 4 – Annual internal audit report to

SEAFORD TOWN Council

The council's internal audit, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2012.

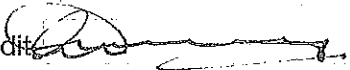
Internal audit has been carried out in accordance with the council's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of the council.

Objectives	Agreed? Please choose from one of the following		
	Yes	No	Not covered
A Appropriate books of account have been kept properly throughout the year.	✓		
B The council's financial regulations have been met, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C The council assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D The annual precept requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	✓		
G Salaries to employees and allowances to members were paid in accordance with council approvals, and PAYE and NI requirements were properly applied.	✓		
H Asset and investments registers were complete and accurate and properly maintained.	✓		
I Periodic and year-end bank account reconciliations were properly carried out.	✓		
J Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, were supported by an adequate audit trail from underlying records, and where appropriate debtors and creditors were properly recorded.	✓		
K Trust funds (including charitable) The council met its responsibilities as a trustee.			✓

For any other risk areas identified by the council (list any other risk areas below or on separate sheets if needed) adequate controls existed:

See separate Internal Audit report.

Print name of person who carried out the internal audit | PAUL HARTLEY

Signature of person who carried out the internal audit |  | Date | 22/5/12

*Note: If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

**Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, internal audit must explain why not (add separate sheets if needed).

SEAFORD TOWN COUNCIL

INTERNAL AUDIT REPORT 2011-2012

I visited the Town Council Office on Tuesday 20th September 2011 to commence the Internal Audit process for 2011-2012. Further visits were made on 24 January 2012, focussing on Risk Management, and 1 February 2012 to deal with remaining items on the Internal Audit Plan. A final visit was made on 22 May 2012 to deal with the end-of-year process and completion of the Annual return.

The comments below are in the order of the headings in Section 4 of the Annual Return, followed by any additional items specified in the Council's Audit plan.

Recommendations are shown in **bold and underlined**, and any responses received from Council have been added in *italics*.

A. BOOKS OF ACCOUNT

Using the RBS Omega system, entries are made weekly and, as a sample, were completely and correctly balanced at 31 August 2011.

VAT is charged on property rentals, and returns are made quarterly on-line, the last being June 2011. (As at 20/9/11)

Two PWLB loans are outstanding with half-yearly direct debit repayments in operation.

B. FINANCIAL REGULATIONS

Standing Orders were revised and adopted March 2011, with Financial Regulations revised and adopted August 2011. These include a new limit for contracts requiring tenders of £25,000. as recommended last year. Most contracts are now therefore subject to three quotations, rather than tenders. The Regulations are fully complied with, except in acceptable specialist product circumstances.

Payment procedures, with invoices attached to a payment authorisation slip, cheque signing and use of direct debits are satisfactory.

Purchase orders are produced manually, but are not linked to the RBS system. A revised Purchase Order form is in course of preparation.

Reference to Power under which expenditure is incurred is only shown in Minutes for exceptional items and for Grants & Donations.
Council is not yet eligible to use Power of Well Being.

Standing Orders regarding contracts are followed, for example when seeking tenders for the revaluation of Council's properties. There are no multiple, cumulative, contracts with single suppliers.

Use of S.137 is limited, but correctly understood and applied when appropriate.

C. RISK MANAGEMENT

Insurance has been switched to Zurich on a five-year deal at a reduced premium. A comprehensive Risk Management strategy has now been formulated, with detailed risk assessments and management processes being completed for most sites and assets. Work to complete this process is ongoing, **and documentation of some Inspection processes is still outstanding.**

STC: The projects and Facilities Manager is continuing to complete the process and outstanding documentation will be completed.

Electrical appliance testing has been carried out.

Golf Course Risk Management is now in place, with appropriate documented inspections. Monitoring of controls for this site-specific work is carried out by the Facilities Manager.

Contractors Public Liability insurance is checked as appropriate.

The annual risk management review will be taken to F&GP on 18 February 2012.

It is evident that not all loose-leaf pages of Council Minutes are initialled by the Chairman who signs the final page. **This should be back-checked, and monitored for the future.**

STC: All minutes for the year have been reviewed and those pages identified. They have subsequently been initialled by the relevant Chairman. A process will be established to prevent this error recurring.

D. BUDGET & PRECEPT

A thorough Budget process has been completed with a 9.5% increase in precept agreed for 2012-2013. This will allow an increase in the level of Reserves as previously recommended, and the principle of a further increase is accepted, although no timescale is now stipulated. **Further consideration should be given to this for 2013-2014 in the light of progress with the Golf Course project, and bearing in mind the one-off budget item for Jubilee celebrations next year, to ensure a satisfactory level of reserves is maintained in order to meet unforeseen requirements.**

STC: The level of reserves is considered by Council as part of the budget process, taking account of issues highlighted by the Financial Risk Assessment.

E. INCOME

Revised 3 year agreements are now in place for concessions and Sports Club rents, and a new casual hire tariff has been agreed.

Income handling process is satisfactory, and hirers insurance cover is checked.

A good Income control process is in place, with appropriate monitoring of Golf Course income, in particular, carried out by RFO. Bad debts are not an issue, and proper measures are taken with late payers.

VAT is charged on all hires.

F. PETTY CASH

Expenditure is satisfactorily controlled by use of vouchers, which are properly authorised, coded, allocated and VAT reclaimed if appropriate.

Council's contracted Handyman retains a £250 float.

Occasional Petty Cash income is received, and used in part to replenish the float.

G. PAYROLL

Payroll is carried out in-house using IRIS Paymaster. End of year returns at 31/03/2011 were completed satisfactorily, **but an acknowledgement from HMRC is still awaited.**

STC: This has now been produced.

Appropriate salary increases are minuted, and NALC scales are used. A sample from Minute authorisation to Payroll was checked.

SALC approved contracts of employment are used.

Pension contributions are made at the correct levels.

Salaries are paid by electronic payment via Co-Op Bank "Payflo".

Staff or Members make few expenses claims, with those that are being properly authorised.

Councillors' Allowance Scheme has not been adopted.

H. ASSETS AND INVESTMENTS

The asset register was updated at 31/3/2011, with revaluations of properties being carried out by external surveyors. This has fed into renewal of insurance.

Public liability cover under Road Traffic Act for motorised off-road equipment is provided by a separate policy.

Details of some of the original transfers of assets from Lewes DC are still being checked, and a keys/ keyholders access arrangements/ insurance cover schedule is being prepared.

An inventory of office equipment and small maintenance equipment should be compiled.

STC: The Golf Course schedule is being compiled by the head Green-Keeper and the office equipment list is being compiled by the Corporate Services manager.

I. BANK RECONCILIATIONS

Reconciliations are done at month end, and are checked by Chairman of F&GP Committee.

All funds are in one interest bearing account, **but regular checks for better rates on term deposits should be made.**

STC: Checks have been made with other major UK banks periodically, but for the sums involved the interest rates on offers are not good. Our bankers (Co-operative Bank) have recently introduced some term deposit rates which offer a better return for longer term deposits and funds have been placed into one year, three month and one month deposits.

J. YEAR END ACCOUNTS

Figures for the Annual Return have been correctly extracted from the accounting system, and bank reconciliations at 31/3/12 have been checked.

K. TRUSTEESHIP

Not applicable.

OTHER ITEMS - included in Internal Audit plan for 2011-2012.

Retention of Documents – A policy based on NALC LTN 40 has been drawn up, and work is ongoing in relation to historic documents to retain/dispose in accordance with the policy.

Emails held on the server are covered by ESCC policy.

Golf Course procedures, Financial and H&S – Satisfactory procedures are in place to maximise income, although current system is lacking in ability to provide full management information. Council will await Clubhouse project before taking action to improve system.

Monthly monitoring of trends of income over a three year rolling period is carried out.

The Direct Debit system for subscriptions, now taken in-house, works well, with non-payers advised to STC by the Bank.

Golf Clubhouse project – A revised scheme is being submitted to SDNP as a major application shortly. Lack of progress in this respect has impacted on income, particularly season ticket renewals, but this has been mitigated by a 15 month for 12 offer.

Staff Appraisal & Training – Town Clerk's appraisal has been done, and the rollout of the process to other staff will proceed in 2012-2013.

Leases – A system for ensuring lease renewals are dealt with in timely manner is now in place, and monitoring of tenants responsibilities to ensure their obligations are fulfilled is in hand.

Vision Plan – an embryonic plan is in place, and further work on visioning is expected to take place in June 2012.

Paul Hartley
Internal Auditor
24 May 2012

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Seaford Town Council

Report 30/12

Agenda Item No: 9
Committee: Council
Date: 14 June 2012
Title: Standing Orders Review
By: Simon Cooper, Corporate Services Manager
Wards Affected: All Seaford Wards
Purpose of Report: To advise of review of Standing Orders.

Recommendations

You are recommended as moved and seconded at the Meeting of Seaford Town Council held on 10 May 2012:

- 1. To agree to permanently revoke Seaford Town Council Standing Orders as adopted on 3 March 2011 in their entirety.**
 - 2. To agree to permanently add the Draft Standing Orders as contained in Report 3/12 Appendix A as Seaford Town Council's Standing Orders.**
-

1. Information

- 1.1** At the meeting of the Town Council held on 10 May 2012, it was moved and seconded to permanently revoke Seaford Town Council Standing Orders as adopted on 3 March 2011 in their entirety; and to permanently add the Draft Standing Orders as attached in Appendix A (report 3/12) as Seaford Town Council's Standing Orders
- 1.2** Under Standing Order 32b, a resolution to permanently add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. Therefore the proposals have stood adjourned until the meeting to be held on 14 June 2012.
- 1.3** Debate may now take place and any amendments be suggested prior to adoption.
- 1.4** As all councillors have the relevant papers, these have not been reproduced with this report, should any councillor require a copy, please contact the Corporate Services Manager before the meeting.

2. Financial Appraisal

There are no financial implications as a result of this report.

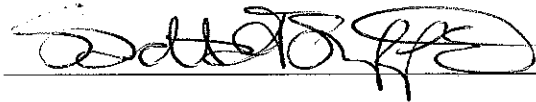
3. Contact Officer

The Contact Officer for this report is Simon Cooper, Corporate Services Manager.

Corporate Services Manager



Town Clerk





Seaford Town Council

Report 31/12

Agenda Item No: 10
Committee: Council
Date: 14 June 2012
Title: Outside Bodies Members Reports
By: Simon Cooper, Corporate Services Manager
Wards Affected: All Seaford Wards
Purpose of Report: To receive reports from Members appointed to represent the Council on Outside Bodies for 2011-12

Recommendations

You are recommended:

1. To note Members reports.
-

1. Information

- 1.1 Members appointed to represent the Council on outside bodies are required to provide a formal written report at the end of the municipal year. Reports were requested on 18 April 2012 to be returned by 1 May 2012.
- 1.2 At the Council Meeting held on 10 May 2012 it was requested that outstanding reports be submitted by the end of May to be presented at the meeting being held on 14 June 2012.
- 1.3 The table below lists the outside bodies and the Members appointed to them and reports that were not presented at the meeting held on 10 May 2012.
- 1.4 The reports received by 8 June 2012 are attached at Appendix A.
- 1.5 There are a number of reports still outstanding.

Outside Bodies

Bishopstone United Charities	B Groves
Citizens Advice Bureau	M Buck
Cuckmere Community Bus	R Allen
Cuckmere Estuary Partnership	B Groves
Lewes District Association of Local Councils	I White

Planning User Group
Seaford Chamber of Commerce
Seaford In Bloom
Seaford Seniors' Forum
St. James's Trust
Youth Task Group

S Adeniji Attached
B Groves
A Hayder
S Adeniji Attached
A Hayder
M Buck
B Warren
A White.

Liaison Committees

Stakeholders Group on Health Issues
Strengthening Local Relationships

S Adeniji Attached
S Adeniji Attached

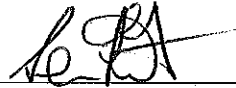
2. Financial Appraisal

There are no financial implications as a result of this report.

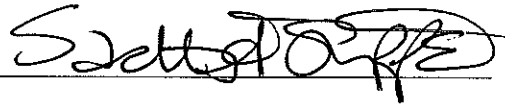
3. Contact Officer

The Contact Officer for this report is Simon Cooper, Corporate Services Manager

Corporate Services Manager



Town Clerk



Report of Representative on Outside Body for year 2011/2012

Name of Representative:	Councillor Sam Adeniji
Organisation:	Strengthening Local Communities
Number of meetings held : 7	Number of meetings attended: 6
Principal activities during the year:	<p>Act as representatives of Seaford Town Council at meetings.</p> <p>Raise concerns expressed by members of the public to ESCC</p>
Financial Position:	None
Issues of importance to be drawn to the attention of the Town Council:	<p>We are able to draw attention of ESCC to issues regarding Tarmac repairs Southdown Road leading to the Golf Course</p> <p>Traffic issues</p> <p>State and condition of the Seafront</p>
Conclusions / recommendations:	A very vital organisation

Comment [LH1]: Remove (Notified)

Report of Representative on Outside Body for year 2011/2012

Name of Representative:	Councillor Sam Adeniji	
Organisation:	Health Stakeholders Group	
Number of meetings held :	4	Number of meetings attended: 4
Principal activities during the year:	<p>Act as representatives of Seaford Town Council at meetings and Chair of the meeting</p> <p>Liaise with GPs, Seaford Seniors, Other health practitioners and outside organisations in discussing the health facilities required by the town</p> <p>Organising the campaign for Action on Seaford health</p>	
Financial Position:	None	
Issues of importance to be drawn to the attention of the Town Council:	Health Issues	
Conclusions / recommendations:	The organisation will be strengthen in the new ear	

Comment [LH1]: Remove (Notified)

Report of Representative on Outside Body for year 2011/2012

Name of Representative:	Councillor Sam Adeniji
Organisation:	Planning User Group
Number of meetings held : 3	Number of meetings attended: 2
Principal activities during the year:	<p>Act as representatives of Seaford Town Council at meetings.</p> <p>Listen to issues relating to planning within LDC and feedback accordingly</p>
Financial Position:	None
Issues of importance to be drawn to the attention of the Town Council:	S102 issues
Conclusions / recommendations:	A very vital organisation

Comment [LH1]: Remove (Notified)

Report of Representative on Outside Body for year 2011/2012

Name of Representative:	Councillor Sam Adeniji	
Organisation:	Seaford Seniors Forum	
Number of meetings held :	7	Number of meetings attended: 6
Principal activities during the year:	<p>Act as representatives of Seaford Town Council at meetings.</p> <p>Listen to concerns and issues raised by members of the Forum and report back to STC accordingly</p> <p>Organising the campaign for Action on Seaford health on the basis of concerns raised by members of the forum</p>	
Financial Position:	None	
Issues of importance to be drawn to the attention of the Town Council:	<p>Health Issues</p> <p>Support of the Town Council in making a grants contribution towards the Seaford Seniors Day</p>	
Conclusions / recommendations:	A very vital organisation as it represents over 50s in Seaford and has over 1500 members	

Comment [LH1]: Remove (Notified)



Seaford Town Council

Report 29/12

Agenda Item No:	8
Committee:	Council
Date:	14 June 2012
Title:	Code of Conduct
By:	Sam Shippen, Town Clerk
Wards Affected:	All Seaford wards
Purpose of Report:	To advise on new code of conduct required to be adopted on, or after 1 July 2012.

Recommendations

You are recommended:

- 1. To adopt the existing Seaford Town Council Code of Conduct for the period 1 July 2012 to 16 August 2012.**
 - 2. To consider the template Code of Conduct Documents available with a view to adopting a further Code of Conduct on 16 August 2012.**
-

1. Information

- 1.1** The Localism Act 2011 s26-37 and Schedule 4 contain provisions which will replace the existing Standards Framework including Code of Conduct. Government have announced that changes will be enacted from 1 July 2012, which will require the Council to adopt a new Code of Conduct from this date.
- 1.2** NALC has published a Legal Topic Note (LTN 80) which is attached at Appendix A for information.
- 1.3** From 1 July, the Town Council is free to adopt any code that it wants, subject to such a code satisfying the requirements of s28 of the Localism Act 2011.
- 1.4** Illustrative texts have been produced nationally by both the Local Government Association (LGA) and the Department for Communities and Local Government (CLG) both of these are attached to NALC's Legal Topic Note for ease of reference.
- 1.5** NALC Legal view is that the LGA's template code of conduct does not usefully or concisely describe obligations regarding conduct.

- 1.6 NALC have also stated that unless the Town Council uses the NALC template, a copy of which I am sourcing via the Sussex Association of Local Councils (SALC) and will be circulated at or before the Council meeting, they will be unable to provide legal advice.
- 1.7 Lewes District Council Monitoring Officer, Catherine Knight, has issued a template which is likely to be adopted by District Councils in Sussex, attached at Appendix B. Both SALC and LDC Monitoring Officer will be able to provide some legal advice should this code be adopted.
- 1.8 For the time being LDC have re-adopted their existing code of conduct in so far as it can be utilised. They will then consider the other codes and formally adopt a new code at the meeting of Lewes District Council in July 2012. As LDC Monitoring Officer will be responsible for having in place arrangements for investigating and deciding code of conduct complaints for Seaford Town Council, it may be prudent for this Council to follow the LDC code. She will also be responsible, as now, for maintaining the registration of interests, as well as a new requirement to publish the register on LDC website and provide this Council with the information for publication on our website, the practicalities of which have not yet been discussed.
- 1.9 As there are a number of as yet unknowns, I would recommend that Council consider the various template codes and consider which the Council prefers and to provide direction to the Town Clerk for preparation of a code for presentation to Council in August.
- 1.10 I further recommend that we adopt our existing code as an interim measure with a view to adopting a new code at the Council meeting to be held on 16 August 2012 in order to have the full information available to make an informed decision.

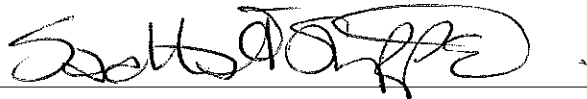
2. Financial Appraisal

There are no financial implications as a result of this report.

3. Contact Officer

The Contact Officer for this report is Sam Shippen, Town Clerk.

Town Clerk



A handwritten signature in black ink, appearing to read 'Sam Shippen', is written over a horizontal line.

Members' conduct and the registration and disclosure of their interests (England)

Introduction

1. The Localism Act 2011 ('the 2011 Act') received royal assent on 15 November 2011. It contains new provisions to replace the standards framework previously established by the Local Government Act 2000 ('the 2000 Act') and subsequent secondary legislation, which, in the future, will regulate parish councillors' conduct, disclosure of interests and how complaints about their conduct will be handled. The 2011 Act also introduces a range of new criminal offences in respect of the registration and disclosure of certain interests and related participation in discussions and voting at meetings. Not all of the relevant provisions in the 2011 Act are in force yet and relevant secondary legislation has not yet been made.
2. This Note summarises the legislative changes introduced by the 2011 Act and explains how parish councillors' conduct and interests will be monitored and enforced. It is anticipated that these changes will take effect on 1 July 2012.
3. The relevant new provisions in the 2011 Act are contained in sections 26 - 37 and Schedule 4 to the 2011 Act. Schedule 4 amends many provisions contained in the 2000 Act and consequential regulations which govern the present framework in respect of conduct and the disclosure of interests.
4. The new provisions in the 2011 Act apply to both members and "co-opted members" of "relevant authorities". A "co-opted member" is defined in s. 27 (4) of the 2011 Act as a person who is not a member of the relevant authority but who is either a member of any committee or sub-committee of the authority, or a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, **and** who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee. "Relevant authorities" which are defined in s. 27(6) of the 2011 Act include district, county, London Borough and parish councils, fire and rescue authorities, economic prosperity boards, National Park authorities, the Broads Authority

and Police Authorities in England and Wales (until their abolition and replacement by Police and Crime Commissioners).

Background

5. The present legislative framework in relation to conduct was established by the 2000 Act and subsequent regulations. Pursuant to ss.49 and 50 of the 2000 Act, the Secretary of State issued regulations to prescribe the Ten General Principles of Conduct and a Model Code of Conduct for members and co-opted members of local authorities including parish councils. Parish councils have, at present, a duty to adopt the mandatory provisions of the prescribed model code of conduct. The Secretary of State's powers to specify the principles which govern the conduct of members and co-opted members and to prescribe the mandatory provisions in a code of conduct will be repealed by para 8(2) of schedule 4 to the 2011 Act.
6. At present pursuant to ss. 53, 54 and 55 of the 2000 Act, district and unitary authorities must have a standards committee whose functions include promoting and maintaining high standards of conduct by the members of parish councils in the authority's area, determining code of conduct complaints and imposing sanctions which include suspension from office. In future, pursuant to paras 8(1) and 15 of schedule 4 to the 2011 Act, a district and unitary authority will no longer have a duty to establish a standards committee with the above functions. These changes are due to take effect on 1 July 2012.
7. Pursuant to s.57 and Schedule 4 of the 2000 Act, the Standards Board for England (also known as Standards for England (or SfE)) was a statutory body established to provide guidance about councillor conduct and to investigate and determine code of conduct complaints referred to it by principal authorities. The SfE's functions of issuing guidance and handling complaints ceased on 31 January 2012. The SfE was abolished on 1 April 2012.

Transitional arrangements

8. After 31 January 2012, code of conduct complaints that were being investigated by the SfE were transferred back to the relevant principal authority for completion.

9. The remaining elements of the current standards framework, including the powers of standards committees to suspend members from office and the power of the First Tier Tribunal to suspend and disqualify members from office are due to be abolished.

New statutory standards framework (expected to take effect on 1 July 2012)

New code of conduct

10. S. 27 of the 2011 Act provides that every relevant authority in England (defined in paragraph 4 above) including a parish council is under a duty to promote and maintain high standards of conduct by its members and co-opted members (defined in paragraph 4 above) and that in doing so it must adopt a code of conduct that is expected of them when they are acting in that capacity. This code of conduct will not apply to members and co - opted members in their private life.
11. In accordance with s.28 of the 2011 Act, every relevant authority must adopt a code of conduct which:-
- i. is consistent with the Nolan principles of conduct in public life which are selflessness, integrity, objectivity; accountability; openness; honesty; and leadership and
 - ii. includes provisions which the authority considers appropriate in respect of the registration and disclosure of 'pecuniary interests' and 'interests other than pecuniary interests'.

The 2011 Act provides no definition of pecuniary or non-pecuniary interests and this may result in local variations.

12. The impending revocation of the current prescribed model code of conduct with mandatory provisions means that a relevant authority including a parish council is free to adopt any code of conduct that its wants subject to such code satisfying the requirements of s.28 of the 2011 Act. On 11 April 2012, Bob Neill MP, the Local Government Minister, wrote to the leaders of all principal authorities giving them an illustrative text for a new 'lighter touch' code of conduct which a local authority could adopt under the 2011 Act. Mr Neill's letter can be accessed from the Department of Communities and Local Government's (CLG) website using the following link at <http://www.communities.gov.uk/news/localgovernment/2128928>. For ease of reference CLG's example of a local authority's new code of conduct is set out in Appendix 1 to this Note.

13. S.27 (3) of the 2011 Act provides that a parish council may if it chooses adopt the code of conduct that has been adopted by its principal authority. Pursuant to s.29 (9), a principal authority for a parish council is the district council for its area or otherwise it will be the county or London Borough council. It is anticipated that principal authorities will, quite sensibly, encourage the parish councils in their areas to adopt the code of conduct adopted by them. This is because they will be responsible for handling and determining code of conduct complaints which relate to members and co-opted members of parish councils in their area (see also paragraph 14 below) and they will not want to deal with different codes adopted by parish councils. Between January and April 2012, the Local Government Association (LGA) which represents the interests of principal authorities worked with NALC and other bodies representing those in local government with the intention of producing a template code of conduct that all local authorities could also use. In April, the LGA decided upon the template code of conduct which is set out in Appendix 2 to this Note. The LGA's template code of conduct is compliant with the Nolan principles and can be amended to suit a particular authority's needs. However NALC does not recommend that parish councils use the LGA template. In NALC's view, the LGA's template code of conduct does not usefully or concisely describe obligations regarding conduct. With reference to paragraph 11 above, the LGA template does not include any pecuniary and non pecuniary interests. NALC has produced a template code of conduct for parish councils that do not want to (i) devise their own or (ii) adopt their principal authority's code of conduct. To access NALC's template code of conduct, please see NALC's Legal Briefing ref L08-12. NALC's template code of conduct cannot be finalised until regulations which define the "disclosable pecuniary interests" referred to in paragraphs 24-28 below, have been made. NALC recommends that a parish council uses the NALC template code of conduct. NALC is unable to provide advice on other codes of conduct being considered by parish councils.

Handling of code of conduct complaints.

14. S. 28 of the 2011 Act requires a relevant authority except a parish council to have in place arrangements to investigate and determine allegations that its members and co-opted member have failed to comply with its code of conduct. The principal authority is responsible for investigating and deciding code of conduct complaints which relate to parish councillors in their area. S.28(4) confirms that a failure to comply with the code of conduct must be dealt with in this way. Parish councils cannot investigate and determine code complaints. If the principal authority decides that a member or co-

opted member of a parish council has breached its code of conduct, the parish council cannot take any action itself. See also paragraphs 20 and 21 below.

15. With the exception of the requirement as to the appointment and role of at least one independent person, (see paragraph 17 below) the 2011 Act does not prescribe the arrangements for principal authorities to have in place for the investigation and determination of code of conduct complaints. It is likely that most principal authorities will delegate these responsibilities to a committee or officers pursuant to s.101(1) of the Local Government Act 1972 ('the 1972 Act'). A committee with responsibility for code of conduct matters appointed after 1 July 2012 would be appointed pursuant to ss. 101 and 102 of the 1972 Act. As with any committee of a principal authority, it will be subject to the rules for proportional representation of different political groups set out in ss.15 – 17 of the Local Government and Housing Act 1989. It will also not be required to include in its membership the members of any of the parish councils for which the principal authority is responsible. A principal authority may co-opt parish council members onto this committee but they will have no voting rights unless they are also a member of the principal authority appointed to the committee as a principal authority representative. Principal authorities may also arrange for their Monitoring Officers to decide whether a code of conduct complaint that it receives merits investigation. This may enable the more minor or 'tit-for-tat' complaints to be taken out of the system.

16. The 2011 Act does not give principal authorities express powers to undertake investigations or to conduct hearings (any such action required would be implied as appropriate). Similarly they have no express powers to require access to documents and information or to require members or officers to attend interviews, or to require the member to attend a hearing. For many authorities, the extent of any such arrangements may be limited by resources.

17. Pursuant to s.28 (7) of the 2011 Act, a principal authority must appoint at least one independent person. The independent person must be consulted and his/her views taken into account before a principal authority takes a decision on a complaint it has decided to investigate. The independent person may be consulted by the principal authority in other circumstances. A member of the principal authority or a parish council who is the subject of an allegation for failure to comply with his/her authority's code of conduct may also consult the independent person.

18. Independent persons are appointed by advertisement and subsequent application. Pursuant to s.28(8), an independent person cannot be a member or officer of the principal authority or of any parish council within the principal authority's area or a close friend or relative of such person. They can be paid an allowance or expenses connected to their appointment. S.28 (8) (d) provides that a person does not cease to be independent merely because such payments are made.

19. A person cannot be appointed as an independent person if he/she has within the past 5 years been a co-opted voting member of a committee of the authority. This means that all existing independent co-opted members of standards committees, mandatory before 1 July 2012, are ineligible to be appointed as an independent person. The Government has received representations from principal authorities that want to appoint an independent member of their presently mandatory standards committee as their independent person under s.28 (7) of the 2011 Act because of their experience and because the recruitment of an independent person who satisfies the criteria of s.28 may be difficult. The Government is therefore considering making a transitional provision which permits a principal authority to appoint a person as an independent person who, although not a member or chairman of an existing standards committee at the time of appointment (or thereafter), has held such a post within the last five years. This transitional provision would apply for the first year of the new arrangements (i.e. until 30 June 2013), and any person appointed under the transitional provisions would be able to continue to hold office after the transitional period, for whatever term the principal authority saw fit.

Breach of code

20. If a member or co-opted member is found to have failed to comply with his/her authority's code of conduct, the 2011 Act does not specify what sanctions can be imposed in respect of the breach. A member cannot be suspended or disqualified from office and the 2011 Act confers no express powers to impose alternative sanctions, such as requiring a member to apologise or attend training. The imposition of a sanction is a matter for the principal authority rather than the parish council. Accordingly, other than censuring or naming and shaming, a principal authority cannot enforce sanctions in respect of members of parish councils in their area.

21. S.28 (4) of the 2011 Act makes clear that a council decision is not invalidated because 'something that occurred in the process of making the decision involved a failure to comply with the code.'

Register of Interests

22. Pursuant to s.29 of the 2011 Act, a Monitoring Officer of the principal authority must establish and maintain a register of interests of the members and co-opted members of the parish councils in its area. The 2011 Act does not define 'interests'. With reference to paragraph 11 of this Note a parish council's code of conduct must include provisions which it considers appropriate in respect of the registration of pecuniary interests and non-pecuniary interests. The leaves scope for considerable local variation. The type and scope of pecuniary and non-pecuniary interests is currently being considered by NALC, LGA and others in their development of a template code of conduct (see paragraph 13 above).
23. The Monitoring Officer must ensure that every parish council's register of interests of its members and co-opted members is available for inspection at all reasonable hours at a place in the principal authority's area. The principal authority must also publish the register of interests of the members and co-opted members of the parish councils on its website (s.29 (6) of the 2011 Act). A parish council with a website must publish the register of interests of its members and co-opted members and the Monitoring Officer must provide the parish council with this information (s.29 (7)).

Disclosure of interests upon taking office

24. Pursuant to s.30 of the 2011 Act, a member and a co-opted member of a parish council must within 28 days of becoming a member or co-opted member notify the Monitoring Officer of any "disclosable pecuniary interests". Upon re-election or re-appointment, the member or co-opted member must also within 28 days notify the Monitoring Officer of "disclosable pecuniary interests" not already included in his or her register of interests. The Secretary of State will prescribe by regulation what constitutes a "disclosable pecuniary interest". S.30 (3) confirms that these will relate to a member and a co-opted member's interests and his/her spouse or civil partner or the person with whom he/she lives as if they were a spouse or civil partner. When notification of a disclosable pecuniary interest is received by the Monitoring Officer, it will be entered into that person's register of interests. Failure to register a "disclosable pecuniary interest" will be a criminal offence. See also paragraph 31 below.

25. Pursuant to s. 32(1), of the 2011 Act, a member or co-opted member of a parish council may ask the Monitoring Officer to exclude from his/her register of interests sensitive interests which may include disclosable pecuniary interests the details of which, if disclosed, might lead to a threat of violence or intimidation to him/her or to a person 'connected' with him/her.

Disclosure of interests at meetings

26. Pursuant to s. 31(4) of the 2011 Act, if a member or co-opted member of a parish council is aware that he/she has a disclosable pecuniary interest in a matter, he/she is barred from participating in any discussion or voting on the matter at the meeting. Participation in the discussion or voting on that matter is a criminal offence under s.34. (see also paragraph 31 below). Members of the public attending meetings might not be aware of a member's interest in a matter under debate unless he/she had also previously inspected the authority's register.
27. Pursuant to s.31(2) and (3) of the 2011 Act, if a member or co-opted member is aware of a "disclosable pecuniary interest" (see paragraph 24 above) in a matter under consideration at a meeting but such interest is not already on the authority's register of interests or in the process of entry onto the register having been notified to the Monitoring Officer, the member or co-opted member must disclose the disclosable pecuniary interest to the meeting and register it within 28 days of the meeting at which relevant business is considered. Pursuant to s.32 (3) a member or co-opted member with a sensitive interest (see paragraph 25 of this Note), must confirm at the meeting that he /she has a disclosable pecuniary interest, rather than giving details of that interest.
28. S.31 (10) of the 2011 Act provides that a relevant authority's standing orders may require members who have a disclosable pecuniary interest in a matter to withdraw from the meeting room while any discussion or vote on it takes place. If a relevant authority has not adopted such standing orders this means members may remain present and arguably, through their presence, be able to influence other members during the discussion and voting. A member with a disclosable pecuniary interest who fails to withdraw from a meeting as required by his/her council's standing orders does not commit a criminal offence. If a council wanted to sanction a member with a disclosable pecuniary interest for not leaving the meeting room as required by its

standing orders, it could rely on its other standing orders to vote to exclude such a member from the meeting.

29. As explained in paragraph 11 above, the code of conduct that is adopted by a relevant authority including a parish council may include an obligation on members and co-opted members to disclose pecuniary and non-pecuniary interests at meetings. There is no criminal sanction for failing to disclose such interests even if disclosure is required by the authority's code of conduct.

Dispensations

30. S.33 of the 2011 Act permits a member or co-opted member of a parish council with a disclosable pecuniary interest to submit a written request to the proper officer at the parish council for the parish council to grant a dispensation to relieve him/her of the restrictions in s. 31(4), namely to participate in a discussion or vote on a matter in which he/she has a disclosable pecuniary interest. A parish council may grant a dispensation if having had regard to all relevant circumstances, it considers that;
- a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - b) granting the dispensation is in the interests of persons living in the authority's area.
 - c) it is otherwise appropriate to grant a dispensation.

Criminal offences

31. Under 34 of the 2011 Act, failure to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or the provision of false or misleading information on registration, and participation in discussion and voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest will be criminal offences, potentially carrying a Scale 5 fine of £5000 and/or disqualification for up to five years. Prosecution is at the instigation of the Director of Public Prosecutions.

Other Legal Topic Notes (LTNs) relevant to this subject:

LTN	Title	Relevance
1	Councils' powers to discharge their	Refers to the current prescribed model code of

	functions	conduct and standards regime applicable to parish councils.
5	Parish Town and Community Council meetings	Refers to the current prescribed model code of conduct and standards regime applicable to parish councils.
7	Non-councillor members of committees	Refers to the current prescribed model code of conduct applicable to parish councils.
8	Elections	Refers to the current prescribed model code of conduct applicable to parish councils.
9	Handling complaints	Refers to current standards regime in England.
21	Local Council help for village halls	Refers to obligations under current prescribed code of conduct applicable to parish councils.
22	Employment matters	Confirms that the current prescribed code of conduct applicable to parish councils prohibits bullying.
28	Basic Charity Law	Relates to the current prescribed model code of conduct applicable to parish councils.

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Appendix 1

CLG's Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

Appendix 2

LGA Template Code of Conduct

As a member or co-opted member of [*X authority*] I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in [*X authority*] this will be done as follows: *[to be completed by individual authorities]*

As a Member of [*X authority*], my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.

- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the *[county][borough][Authority's area]* or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

Appendix 2A

Lewes District Council**Code of Conduct for Members**

On their election or co-option to the Lewes District Council members are required to sign an undertaking to comply with the authority's Code of Conduct.

The Code of Conduct, adopted by the authority on (add date) is set out below. It is made under Chapter 7 of the Localism Act 2011. *It includes, as standing orders made under Chapter 7 of that Act and Schedule 12 of the Local Government Act 1972, provisions which require members to leave meetings in appropriate circumstances, while matters in which they have a personal interest are being considered.*

(words in *italics* are optional)

Part 1 – General provisions**Introduction and interpretation**

1 – (1) The Code applies to you as a member of the authority, when acting in that capacity.

(2) This Code is based upon seen principles fundamental to public service, which are set out in Appendix 1. You should have regard to these principles they will help you to comply with the Code.

(3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal advisor – but it is entirely your responsibility to comply with the provisions of this Code.

(4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have a disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the authority's monitoring officer.

(5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding;

- (a) whether to take action in relation to you and
- (b) what action to take.

(6) In this Code –

“authority” means Lewes District Council

“Code” means this Code of Conduct

“co-opted member” means a person who is not a members of the authority but who-

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority.

and who is entitled to vote on any questions that falls to be decided at any meetings of that committee or sub-committee.

“meeting” means any meeting of

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member.

“register of members’ interest” means the authorities’ register of members’ pecuniary and other interests established and maintained by the authority’s monitoring officer under section 29 of the Localism Act 2011.

Scope

2. –(1) Subject to sub-paragraphs (2) and (3), you must comply with the Code whenever you-

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are election 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) this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) Where you act as a representative if 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 its equality duties (in particular set out in the Equality Act 2010);

(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 the 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-

(a) reasonable and in the public interest; and

(b) made in good faith and in compliance with the reasonable requirements of the authority; or

(c) present 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 reasonable be regarded as brining your officer or authority into disrepute.

6. You –

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

(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.

7. – (1) When reaching decisions on any matters you must have regard to any relevant advice provided to you by-

(a) your authority's chief finance officer; or

(b) your authority's' monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 – Interests

Personal Interests

8. (1) The interests described in paragraphs 8(3) and 8 (5) are your personal interests and the interests in paragraph 8 (5) are your pecuniary interests which are disclosable pecuniary interests as defined by section 30 of the Localism Act 2011.

(2) If you fail to observe Parts 2 and 3 of the Code in relation to your personal interests-

(a) the authority may deal with the matter as mentioned in paragraph 1

(b) if the failure related to a disclosable pecuniary interest, you may also become subject to criminal proceedings as mentioned in paragraph 1 (4).

(3) 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 the position of general control or management and to which you are appointed or nominated by the authority;

(ii) any body-

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) 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 are 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 had 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 issues 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 a description specified in paragraph (vi);

(viii) the interest 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;

(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 (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division of ward, as the case may be, affected by the decision;

(4) In sub-paragraph (1)(b), a relevant person is-

(a) a members of your family or a [close] friend; 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).

(5) Subject to sub-paragraphs (6) and (7), you have a personal interest which is also a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner- [add list of interests when regulations are published]

(6) In sub-paragraphs (5), your partner means –

(a) your spouse or civil partner,

(b) a person with whom you are living as husband and wife, or

(c) a person with whom you are living as if you were civil partners,

(7) In sub-paragraph (5), any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.

Disclosure of personal interests (See also Part 3)

9. –(1) Subject to sub-paragraphs (2) to (6), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to 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) If the personal interest is entered on the authority's register there is no requirement for you to disclose the interest to that meeting, but you should do so if you wish a disclosure to be recorded in the minutes of the meeting.

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

(4) 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 and, if also applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting,

(5) 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 on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(6) 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.

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 either-

(a) the interest is a disclosable pecuniary interest as described in paragraph 8(5), or

(b) 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) For the purposes of sub-paragraph (1)(b), 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) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- (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.

Interests arising in relation to overview and scrutiny committees

11. You also have a personal interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where-

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. -(1) Subject to sub-paragraph (2) and (3), where you have a prejudicial interest in any matter in relation to the business of your authority-

- (a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter 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 matter is being considered at that meeting;

unless you have obtained a dispensation from your authority's monitoring officer or standards committee;

- (b) you must not exercise executive functions in relation to that matter; and
- (c) you must not seek improperly to influence a decision about that matter.

(2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 8(5), you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) 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.

(3) Where you can have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph 8(5), arising solely from membership of any body described 8(3)(a)(i) or 8(3)(a)(ii)(a) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

Part 3 – Registration of Interests

Registration of members' interests

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

(a) this Code being adopted by the authority; or

(b) your election or appointment to office (where that is later), register in the register of members' interests details of-

- (i) your personal interests where they fall within a category mentioned in paragraph 8(3)(a) and
- (ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph 8(5)

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 falling within sub-paragraphs (1)(i) or (1)(ii) or any change to any personal interest registered under sub-paragraphs (1)(i) or (1)(ii), 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, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made

available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

(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 the register of members' interests.

(3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Dispensations

15 – (1) The standards committee, or any sub-committee of the standards committee, or the monitoring officer may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions in paragraph 12(1)(a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the standards committee, its sub-committee, or the monitoring officer-

(a) considers that without the dispensation the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by paragraph 12 from participating in any particular business to be transacted by the authority's executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

(2) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(3) Paragraph 12 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

APPENDIX 1

The Seven Principles of Public Life

Selflessness

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

Integrity

2. Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the authority.

Objectivity

3. Members should make decisions in accordance with the law and 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.

Honesty

6. Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects that public interest.

Leadership

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