

**COUNCIL
30 JANUARY 2002**

(7.30pm to 10.05pm)

Present: Councillors Adams, Mrs Ballin, Barnard, Beadsley, Bettison, Birch, Mrs Birch, Blatchford, Ms Brown, Browne, Edger, Egan, Fawcett, Finnie, Flood, Glasson, Grayson, Harrison, Miss Haydon, Mrs Hayes, Henfrey, Jones, Kendall, McCormack, McCracken, Mrs Mattick, Mills, North, Piasecki, Mrs Pile, Sargeant, Mrs Shillcock, Simonds, Thompson, Turrell, Wade, Ward and Worrall

Apologies for absence were received from:
Councillors Mrs Ryder and Wallace

THE MAYOR, COUNCILLOR MRS HAYES, IN THE CHAIR

319. Minutes

RESOLVED that the minutes of the meeting of the Council held on 21 November 2001 be approved as a correct record and signed by the Mayor.

320. Mayors Announcements

(i) Pancake Race, Bracknell Town Centre

The Mayor announced that the first annual Bracknell Forest Pancake Race would be held in Bracknell town centre on Tuesday 12 February. Teams of four people were invited to sign-up for the race. Members and officers were encouraged to participate. Proceeds from the entry fee would go to the Mayor's charity.

(ii) Charity Golf Day – 25 April 2002

The Mayor reminded members and officers of the Charity Golf Day which was to be held on Thursday 25 April. Application forms were available from the Mayor's office.

321. Scheme for Public Participation – Procedure Rule 9

The Council received a question in the following terms submitted by Mrs M Ball and presented by Mrs J Bouron on behalf of Parents Together.

“When is the Council going to make the decision whether to charge disabled, special needs children and families for home care, respite services and do the Council feel that they have enough financial information to make a Best Value judgement based on the approved Best Value principles.”

The Executive member for Social Services and Housing, Councillor Barnard,

responded to the question, advising that the Council was in consultation with a wide range of service users on the subject of fees and charges. All information from the consultation would be assessed before decisions were made. The intention was to reach a decision which balanced the needs of users financial realities, Government legislation and guidance. He went on to describe the means by which Parents Together had been involved in the consultation process and the issues to be taken into account when reaching a decision on the appropriate level for fees and charges.

In responding to a supplementary question, Councillor Barnard assured Mrs Bouron that no decisions had yet been taken and that Councillors would continue to listen to the views of consultees beyond the formal closing date. The proposals would also be subject to formal scrutiny in public.

322. **Executive Report**

The Leader of the Council reported to the Council on the main activities of the Executive since 21 November 2001. He highlighted progress with the new Executive Arrangements and the work involved in the budget consultation exercise. Significant progress had been made in the preparation of statutory plans including the Education Development Plan, Early Years Development and Childcare Plan and Bracknell Forest Local Plan. Work was now in hand to develop and bring forward proposals for the Town Centre Development Plan and Bracknell Forest Community Plan.

The Council considered a specific proposal from the Executive regarding the release of Section 106 Funds for use at Meadow Vale Primary School.

RESOLVED that £15,000 of Section 106 Funds be released for use at Meadow Vale Primary School.

323. **Budget and Policy Framework**

(i) Education Development Plan 2002/07

Following a presentation by the Director of Education, the Executive Member submitted the draft Education Development Plan 2002/07 for consideration.

RESOLVED on the proposition of Councillor Ward, seconded by Councillor Bettison, that the Education Development Plan 2002/07 be adopted.

(ii) Bracknell Forest Borough Local Plan

Following a presentation by the Director of Environment, the Executive Member submitted proposed modifications to the draft Bracknell Forest Borough Local Plan.

RESOLVED on the proposition of Councillor Mrs Ballin, seconded by Councillor Bettison that the draft Bracknell Forest Borough Local Plan based on the Deposit Draft (1996) as supplemented by the Proposed Modifications (May 2001) and the Further Proposed Modifications (November 2001) be adopted.

324. **Standards Committee**

The report of the Standards Committee arising from its meeting on 13 December 2001 was submitted.

RESOLVED on the proposition of Councillor Finnie, seconded by Councillor Thompson that

- (i) the "Model Code of Conduct – Authorities Operating Executive Arrangements" be adopted as the Council's Code of Conduct for Members as set out in Appendix 1;
- (ii) each Member of the Council attend a mandatory training seminar on the new Code of Conduct;
- (iii) further work to develop a local protocol relating to planning matters, revisions to the member/officer protocol and the Employee Code of Conduct should await publication of national guidelines;
- (iv) the Council take advantage of the transitional provisions relating to independent members set out in the Local Authorities (Standards Committee) Regulations 2001 which permit the retention of the current independent members of the Standards Committee until August 2003;
- (v) the composition and terms of reference of the Standards Committee be approved as set out in Appendix 2 of the report;
- (vi) the Borough Council's functions relating to Parish Council standards should be discharged by a Sub Committee of the Standards Committee with constitution and terms of reference as set out in Appendix 3 of the report.

325. **Periodic Electoral Review Focus Group**

The report of the Periodic Electoral Review Focus Group arising from the meeting on 7 January 2002 was submitted and the Chairman responded to questions thereon.

RESOLVED on the proposition of Councillor Ward, seconded by Councillor Mills, that the draft response contained in the final report of the Periodic Electoral Review Focus Group be adopted for submission to the Local Government Commission for England, subject to the inclusion of further supporting information in respect of the proposal for a single three-member Borough Ward to be called Binfield with Warfield.

326. **Employment Committee**

The report of the Employment Committee arising from its meeting on 16 January 2002 was submitted.

RESOLVED on the proposition of Councillor Sargeant, seconded by Councillor Edger, that the associated one off costs of the redundancies approved by the Employment Committee on 16 January 2002 and as outlined in Sections 1.2 and 1.3 of the Committee's report, be met from the restructuring fund.

327. **Annual Report of the Pensioners' Champion**

The first annual report by the Pensioners' Champion, Councillor Thompson, was submitted.

RESOLVED that the annual report of the Pensioners' Champion be received.

MAYOR

BRACKNELL FOREST BOROUGH COUNCIL CODE OF CONDUCT FOR MEMBERS

Part 1

GENERAL PROVISIONS

Scope

1. (1) A member must observe the authority's code of conduct whenever he –
 - (a) conducts the business of the authority;
 - (b) conducts the business of the office to which he has been elected or appointed; or
 - (c) acts as a representative of the authority,and references to a member's official capacity shall be construed accordingly.
- (2) An authority's code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.
- (3) Where a member acts as a representative of the authority –
 - (a) on another relevant authority, he must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, he must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (4) in this code, "member" includes a co-opted member of an authority.

General Obligations

2. A member must –
 - (a) promote equality by not discriminating unlawfully against any person;
 - (b) treat others with respect; and
 - (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
3. A member must not –
 - (a) disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
4. A member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.

5. A member –
 - (a) must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of the authority –
 - (i) act in accordance with the authority's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.

6. (1) A member must when reaching decisions –
 - (a) have regard to any relevant advice provided to him by –
 - (i) the authority's chief finance officer acting in pursuance of his duties under section 114 of the Local Government Finance Act 1988; and
 - (ii) the authority's monitoring officer acting in pursuance of his duties under section 5(2) of the Local Government and Housing Act 1989; and
 - (b) give the reasons for those decisions in accordance with the authority's and any statutory requirements in relation to the taking of an executive decision.

(2) in sub-paragraph (1)(b) above and in paragraph 9(2) below, "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.

7. A member must, if he becomes aware of any conduct by another member which he reasonably believes involves a failure to comply with the authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so.

Part 2

INTERESTS

Personal Interests

8. (1) A member must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 14 and 15 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area, the well-being or financial position of himself, a relative or a friend or –
 - (a) any employment or business carried on by such persons;
 - (b) any person 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 corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in sub-paragraphs (a) to (e) of paragraph 15 below in which such persons hold a position of general control or management.

- (2) In this paragraph –
 - (a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of the preceding persons; and
 - (b) “partner” in sub paragraph (2)(a) above means a member of a couple who live together.

Disclosure of Personal Interests

- 9. (1) A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered 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) Subject to paragraph 12(1)(b) below, a member with a personal interest in any matter who has made an executive decision in relation to that matter must ensure that any written statement of that decision records the existence and nature of that interest.

Prejudicial Interests

- 10. (1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if 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 the member’s judgement of the public interest.
- (2) A member may regard himself as not having a prejudicial interest in a matter if that matter relates to –
 - (a) another relevant authority of which he is a member;
 - (b) another public authority in which he holds a position of general control or management;
 - (c) a body to which he has been appointed or nominated by the authority as its representative;
 - (d) the housing functions of the authority where the member holds a tenancy or lease with a relevant authority, provided that he does not have arrears of rent with that relevant authority of more than two months, and provided that those functions do not relate particularly to the member’s tenancy or lease;
 - (e) the functions of the authority in respect of school meals, transport and travelling expenses, where the member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends;
 - (f) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
 - (g) the functions of the authority in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989.

Overview and Scrutiny Committees (Select Committees)

11. (1) For the purposes of this Part, a member must if he is involved in the consideration of a matter at a meeting of an overview and scrutiny committee of the authority or a sub-committee of such a committee, regard himself as having a personal and prejudicial interest if that consideration relates to a decision made, or action taken, by another of the authority's-
- (a) committees or sub-committees; or
 - (b) joint committees or joint sub-committees,
- of which he may also be a member.
- (2) But sub-paragraph (1) above shall not apply if that member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

Participation in Relation to Disclosed Interests

12. (1) Subject to sub-paragraph (2) below, a member with a prejudicial interest in any matter must –
- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the authority's standard's committee;
 - (b) not exercise executive functions in relation to that matter; and
 - (c) not seek improperly to influence a decision about that matter.
- (2) A member with a prejudicial interest may, unless that interest is of a financial nature, and unless it is an interest of the type described in paragraph 11 above, participate in a meeting of the authority's –
- (a) overview and scrutiny committees; and
 - (b) joint or area committees,
- to the extent that such committees are not exercising functions of the authority or its executive.
13. For the purposes of this Part, "meeting" means any meeting of –
- (a) the authority;
 - (b) the executive of the authority; or
 - (c) any of the authority's or its executive's committees, sub committees, joint committees, joint sub-committees, or area committees.

Part 3

THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests

14. Within 28 days of the provisions of an authority's code of conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his financial interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the authority's monitoring officer of -
- (a) any employment or business carried on by him;

- (b) the name of the person who employs or has appointed him, the name of any firm in which he is a partner, and the name of any company for which he is a remunerated director;
 - (c) the name of any person, other than a relevant authority, who has made a payment to him in respect of his election or any expenses incurred by him in carrying out his duties;
 - (d) the name of any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (e) a description of any contract for goods, services or works made between the authority and himself or a firm in which he is a partner, a company of which he is remunerated director, or a body of the description specified in sub-paragraph (d) above;
 - (f) the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of authority;
 - (g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and
 - (h) the address or other description (sufficient to identify the location) of any land in the authority's area in which he has a licence (alone or jointly with others) to occupy for 28 days or longer.
15. Within 28 days of the provisions of the authority's code of conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his other interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the authority's monitoring officer of his membership of or position of general control or management in any –
- (a) body to which he has been appointed or nominated by the authority as its representative;
 - (b) public authority or body exercising functions of a public nature;
 - (c) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (d) body whose principal purposes include the influence of public opinion or policy; and
 - (e) trade union or professional association.
16. A member must within 28 days of becoming aware of any change to the interests specified under paragraphs 14 and 15 above, provide written notification to the authority's monitoring officer of that change.

Registration of Gifts and Hospitality

17. A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's monitoring officer of the existence and nature of that gift or hospitality.

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