



# PEACEHAVEN TOWN COUNCIL

CLAIRE LACEY  
TOWN MANAGER

TELEPHONE: (01273) 585493 Option 6

FAX: (01273) 583560

E mail: [claire.lacey@peacehavencouncil.co.uk](mailto:claire.lacey@peacehavencouncil.co.uk)

TOWN MAYOR – COUNCILLOR BRIAN GOSLING

TOWN COUNCIL OFFICE  
MERIDIAN CENTRE  
MERIDIAN WAY  
PEACEHAVEN  
EAST SUSSEX  
BN 10 8BB

MEMBERS OF PEACEHAVEN TOWN COUNCIL ARE SUMMONED TO THE ANNUAL COUNCIL MEETING, TO BE HELD IN THE ANZAC MEETING ROOM, COMMUNITY HOUSE, MERIDIAN CENTRE, PEACEHAVEN, ON TUESDAY 15<sup>TH</sup> MAY 2018 AT 7:00PM

A handwritten signature in black ink, appearing to read "CLacey", is written over the printed name and title.

Claire Lacey  
Town Manager

10<sup>th</sup> May 2018

## AGENDA

### GENERAL BUSINESS

1. MAYOR'S ANNOUNCEMENTS
2. ELECTION OF MAYOR FOR 2018 – 2019
3. PRESENTATION OF PAST MAYORS BADGE
4. APPOINTMENT OF DEPUTY MAYOR FOR 2018 - 2019
5. COUNCIL TO AGREE MAYORS CONSORT
6. PUBLIC QUESTION TIME

There will be a 15 minute period when members of the public may ask questions, which have been submitted in writing and received by 12 noon on the day of the meeting, on any matters that affect the Town

7. TO CONSIDER APOLOGIES FOR ABSENCE (page 3)
8. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

### REPORTS

9. ANNUAL IMPLEMENTATION OF STANDING ORDERS 2017 (page 3)
10. ANNUAL IMPLEMENTATION OF FINANCIAL REGULATIONS 2015 (page 3)

11. TO NOTE LTN 1 / 2007 'COUNCILS' POWERS TO DISCHARGE THEIR FUNCTIONS' (Appendix 1 page 8 - 16)
12. ANNUAL IMPLEMENTATION OF COMMITTEE TERMS OF REFERENCE 2011 (Appendix 2 page 17 - 22)
13. TO NOTE THE COUNCIL CODE OF CONDUCT FOR MEMBERS MAY 2015 (Appendix 3 page 23 - 36)
14. TO ADOPT THE MAYORS CHARITIES FOR 2018-19 (verbal report by the Mayor)
15. TO APPOINT MEMBERS TO SERVE ON THE POLICY AND FINANCE COMMITTEE (page 4)
16. TO APPOINT MEMBERS TO SERVE ON THE LEISURE AND AMENITIES COMMITTEE (page 4)
17. TO APPOINT MEMBERS TO SERVE ON THE PLANNING AND HIGHWAYS COMMITTEE (page 4)
18. TO APPOINT MEMBERS TO SERVE ON THE EMPLOYMENT SUB COMMITTEE (page 4)
19. TO APPOINT MEMBERS TO SERVE ON THE AUDIT SUB COMMITTEE (page 5)
20. TO APPOINT MEMBERS TO SERVE ON THE BUSINESS PLANNING COMMITTEE (page 5)
21. RECEIPT OF REPORTS FROM MEMBERS OF THE NEIGHBOURHOOD PLANNING GROUP (Verbal Reports)
22. TO APPOINT MEMBERS TO SERVE ON THE NEIGHBOURHOOD PLANNING STEERING GROUP (page 5)
23. TO APPOINT MEMBERS TO SERVE ON SLR / ESCC HIGHWAYS (page 5)
24. RECEIPT OF REPORTS FROM PREVIOUS REPRESENTATIVES ON OUTSIDE BODIES AND ASSOCIATIONS (Verbal reports)
25. TO APPOINT MEMBERS TO SERVE ON OUTSIDE BODIES AND ASSOCIATIONS (page 5)
26. CHECKING OF THE INVENTORY AND ASSET REGISTER OF COUNCIL PROPERTY (DEEDS AND TRUST INVESTMENTS) (page 6)
27. TO NOTE ANNUAL SUBSCRIPTIONS (page 6 - 7)
28. CONSIDERATION OF CHAIRS ALLOWANCE (page 7)
29. FIXING DATES OF COUNCIL MEETINGS FOR 2018 – 19 (Appendix 4 page 37)
30. TO ACCEPT THE CORPORATE RISK ASSESSMENT (Appendix 5 page 38 – 41)

#### **NEXT MEETING**

31. TO CONFIRM DATE OF NEXT MEETING

## **REPORTS**

**1.MAYOR'S ANNOUNCEMENTS – Delivered by Councillor Brian Gosling Chair of the Council**

**2.ELECTION OF MAYOR FOR 2018 – 19 –** The Mayor to sign Declaration of Acceptance, Health and Safety Policy, Mayoral Admin Arrangements, Bank Mandate, Corporate Risk Assessment

**3.PRESENTATION OF PAST MAYORS BADGE –** The Mayor of Peacehaven and Chair to the Council for 2017 – 18 Councillor Brian Gosling will be presented with a Past Mayors Badge by the incoming Mayor of Peacehaven

**4.APPOINTMENT OF DEPUTY MAYOR FOR 2018-19 –** The Mayor of Peacehaven to appoint a Deputy for the year 2018 – 19. Deputy Mayor to sign Declaration of Acceptance

**5.COUNCIL TO AGREE MAYORS CONSORT –** The Mayor of Peacehaven 2018 – 19 to Appoint a Consort as previously Agreed at Policy & Finance Meeting 13<sup>th</sup> September 2016 and Ratified at FULL COUNCIL 25<sup>th</sup> October 2016

### **6.PUBLIC QUESTION TIME**

There will be a 15 minute period when members of the public may ask questions, which have been submitted in writing and received by 12 noon on the day of the meeting, on any matters that affect the Town

**7.TO CONSIDER APOLOGIES FOR ABSENCE –** For health reasons Councillor Reg Farmiloe and Councillor Andy Loraine have submitted their apologies in advance of the meeting. Peacehaven Council wishes them a speedy recovery

**9.ANNUAL IMPLEMENTATION OF STANDING ORDERS 2017 –** Standing Orders of Peacehaven Council were adopted in October 2017 and are found on the Peacehaven Town Council website under policies. No amendments are due and it is a requisite to Implement these annually

Council to AGREE / DISAGREE to Implement the Standing Orders 2017 for the year from May 2018 – May 2019

**10.ANNUAL IMPLEMENTATION OF FINANCIAL REGULATIONS 2015 –** Financial Regulations of Peacehaven Council were adopted in May 2015 and are found on the Peacehaven Town Council website under policies. No amendments are made at this time and it is a requisite to Implement these annually. The Financial Regulations 2015 are due to be updated at the next Policy and Finance Committee on Tuesday June 5<sup>th</sup> 2018 after a working party

Council to AGREE / DISAGREE to Implement the Financial Regulations 2015 for the year from May 2018 – May 2019

**11.TO NOTE LTN 1 / 2007 'COUNCILS' POWERS TO DISCHARGE THEIR FUNCTIONS'** On advice of Linda Butcher Trainer SLCC, the following should be noted by Council (Appendix 1 page 8 - 16)

**12.ANNUAL IMPLEMENTATION OF COMMITTEE TERMS OF REFERENCE 2011 (Appendix 2 page 17 – 22)** Committee Terms of Reference of Peacehaven Council were adopted in March 2011 and are

found on the Peacehaven Town Council website under policies. No amendments are due and it is a requisite to Implement these annually

Council to AGREE / DISAGREE to Implement the Terms of Reference for the year from May 2018 – May 2019

**13.TO NOTE THE COUNCIL CODE OF CONDUCT FOR MEMBERS 2015 – Appendix 3 page 23 - 36**

**14.TO ADOPT THE MAYORS CHARITIES FOR 2018-19 (verbal report by the Mayor)**

Council to AGREE / DISAGREE to support the Mayor to raise funds and profile of their chosen charities for the year from May 2018 – May 2019

**15.TO APPOINT MEMBERS TO SERVE ON THE POLICY AND FINANCE COMMITTEE**

The following Members have nominated to sit on the Policy and Finance Committee 9 required

Councillor Ann Harrison	Councillor Lynda Duhigg
Councillor Job Harris	Councillor Jackie Harrison Hicks
Councillor Jean Farmiloe	Councillor Brian Gosling

Council to AGREE / DISAGREE to the Members nominated for the Policy and Finance Committee for the year May 2018 – May 2019

**16.TO APPOINT MEMBERS TO SERVE ON THE LEISURE AND AMENITIES COMMITTEE**

The following Members have nominated to sit on the Leisure and Amenities Committee 9 required

Councillor Ron Maskell	Councillor Lynda Duhigg
Councillor Job Harris	Councillor Jackie Harrison Hicks
Councillor Jean Farmiloe	Councillor Reg Farmiloe
Councillor Brian Gosling	

Council to AGREE / DISAGREE to the Members nominated for the Leisure and Amenities Committee for the year May 2018 – May 2019

**17.TO APPOINT MEMBERS TO SERVE ON THE PLANNING AND HIGHWAYS COMMITTEE**

The following Members have nominated to sit on the Planning and Highways Committee 9 required

Councillor Lynda Duhigg	Councillor Jackie Harrison Hicks
Councillor Brian Gosling	Councillor Jean Farmiloe
Councillor Reg Farmiloe	

Council to AGREE / DISAGREE to the Members nominated for the Planning and Highways Committee for the year May 2018 – May 2019

**18.TO APPOINT MEMBERS TO SERVE ON THE EMPLOYMENT SUB COMMITTEE**

6 Members and 1 Substitute Member to be nominated from the Policy and Finance Committee

#### **19.TO APPOINT MEMBERS TO SERVE ON THE AUDIT SUB COMMITTEE**

5 Members to be appointed from the Policy and Finance Committee

#### **20.TO APPOINT MEMBERS TO SERVE ON THE BUSINESS PLANNING COMMITTEE**

3 Members to be nominated from across all Committees

#### **21.UPDATE FROM MEMBERS OF THE NEIGHBOURHOOD PLANNING GROUP**

Verbal report from Councillor Ann Harrison and Councillor Dave Neave

#### **22.TO APPOINT MEMBERS TO SERVE ON THE NEIGHBOURHOOD PLANNING STEERING GROUP**

The following Members have nominated to sit as Council representatives as required on the Peacehaven, Telscombe and East Saltdean Neighbourhood Planning Steering Group

Councillor Ann Harrison  
Councillor Job Harris

Councillor Dave Neave  
Lynda Duhigg

**Council to AGREE / DISAGREE to the Members nominated for the NDP as Council representatives for the year May 2018 – May 2019**

#### **23.TO APPOINT MEMBERS TO SERVE ON SLR / ESCC HIGHWAYS**

The following Members have nominated to sit as Council representatives on the SLR / East Sussex County Council meeting

Councillor Andy Smith  
Councillors Dave Neave  
Councillor Job Harris

Councillor Ann Harrison  
Councillor Lynda Duhigg  
Councillor Jackie Harrison Hicks

**Council to AGREE / DISAGREE to the Members nominated for the SLR / ESCC Committee as Council representatives for the year May 2018 – May 2019**

#### **24.RECEIPT OF REPORTS FROM PREVIOUS REPRESENTATIVES ON OUTSIDE BODIES AND ASSOCIATIONS – verbal reports from Council representatives**

#### **25.TO APPOINT MEMBERS TO SERVE ON OUTSIDE BODIES AND ASSOCIATIONS**

During the year 2017-18 the following Members requested they represent Peacehaven Town Council on Associations and Community Groups

House Project – Jean Farmiloe, Reg Farmiloe	Royal British Legion - Jean Farmiloe, Reg Farmiloe
Friends of Downlands Court – Reg Farmiloe, Jean Farmiloe	
Mature Citizens Forum – Jean Farmiloe, Reg Farmiloe	
Age UK – Job Harris & Reg Farmiloe	Crime Stoppers – Job Harris
Peacehaven Telscombe Housing Association – Melvyn Simmons	
Peacehaven Residents Association – Melvyn Simmons	
Beekeeping Group – Melvyn Simmons	Town Forum – Ann Harrison
Lewes Association of Local Councils – Jackie Harrison Hicks	
Citizens Advice Bureau – Brian Gosling	CTLA – Brian Gosling

Wave Leisure – Andy Lorraine                      Peacehaven and Telscombe Football Club – Daryl Brindley  
 Chamber of Commerce – Any Councillor may attend their breakfast club

It is recommended for continuity that those Members allocated remain for the term until May 2019, with the exception of -

Addition - Councillor Lynda Duhigg has requested she sit as the Council representative for the Peacehaven Access Group

Addition - Councillor Robbie Robertson has requested he sit as the Council representative for the Royal British Legion and the Peacehaven and Telscombe Football Club

**Council to AGREE / DISAGREE to the Members appointed to Associations and Outside Bodies as Council representatives for the year May 2018 – May 2019**

## **26.CHECKING OF THE INVENTORY AND ASSET REGISTER OF COUNCIL PROPERTY (DEEDS AND TRUST INVESTMENTS)**

ESX	320481	Cliff top land re: George V Memorial
ESX	83712	Cavell Avenue within the Dell
ESX	69246	The Dell
ESX	60704	Epinay Park
ESX	67202	1. Firle Road West Play Area & associated areas
ESX	291299	2. Firle Road West Play Area & associated areas
ESX	67202	Land either side of footpath / Firle Road & Hairpin Croft
ESX	46829	Amenity land at Foxhill & Abbey Close
ESX	160687	Land in Greenwich Way
ESX	296811	Howard Peace Park
ESX	111461	Amenity Lane at Morestead & Coney Furlong
ESX	28492	The Oval
ESX	145121 & ESX 32253	Piddinghoe Ave Sports Park
ESX	12893	Shepherd Down
ESX	263030	Community House
ESX	361750	Centenary Park
ESX	273853	Keymer Avenue/strip adjoining Centenary Park
ESX	381213	Flint Way
ESX	381210	Seaview Avenue

**Council to Note the Register of Assets of Council Property (Deeds and Trust Investments) for the year May 2018 – May 2019**

## **27.TO NOTE ANNUAL SUBSCRIPTIONS**

The organisations and associations that Council pay subscriptions for are:-

SUSSEX ASSOCIATION OF LOCAL COUNCILS - £ 1650  
 NATIONAL ASSOCIATION OF LOCAL COUNCILS - £772.16  
 PEACEHAVEN CHAMBER OF COMMERCE - £42  
 PARISH ONLINE – MAPPING - £206  
 PERFORMING RIGHTS - £1138 (CH) £228 (Sports Park)  
 PREMISES LICENSE - £180

PPL - £152  
COPYRIGHT LICENSE - £199  
TOWN CRIER - £35  
DATA PROTECTION / ICO - £35  
SOCIETY OF LOCAL CLERKS AND COUNCILS - £294  
LEWES ASSOCIATION OF LOCAL COUNCILS - £50  
JOINT ACTION GROUP – NO MEMBERSHIP FEE  
NATIONAL ASSOCIATION OF CIVIC OFFICERS - £250

Council to Note the approved annual budget for the payment of subscriptions and publications which covers all of the above

## **28. CONSIDERATION OF CHAIRS ALLOWANCE**

The Chair of the Council currently receives an Allowance of £1500. There is no surplus budget nor recommendation to amend this for the year 2018 – 2019.

Council to Note the Mayoral Allowance of £1500 for the year May 2018 – May 2019

## **29. FIXING DATES OF COUNCIL MEETINGS FOR 2018 – 2019**

Appendix 4 page 37

Council to AGREE / DISAGREE to the Dates of Council meetings for the year May 2018 – May 2019

## **30. TO NOTE ACCEPT THE CORPORATE RISK ASSESSMENT (Appendix 5 page 38 – 41)**

## **31. TO CONFIRM DATE OF NEXT MEETING**

The next Full Council meeting will be Tuesday 19<sup>th</sup> June 2018 to discuss the Annual Return

**November 2007**

## **COUNCILS' POWERS TO DISCHARGE THEIR FUNCTIONS**

### **Introduction**

1. When powers are given by Parliament to a council, they are given to the full council. Unless councils make arrangements to delegate some of their functions to committees or officers, decisions can only be made by the full council. In the absence of delegation, the situation would be extremely difficult in practice; as councils would need to be in session almost continually in order to make all the decisions need to be made. Recognising this situation, Parliament allows councils to discharge their functions by delegating to:
  - a committee; or
  - a sub-committee; or
  - an officer of the authority; or
  - another local authority.
2. This power is to be found in section 101(1) of the Local Government Act 1972 ('the 1972 Act'). The options are set out in further detail below.
3. There are important exceptions to this. A council's functions with respects to levying, or issuing a precept for, a rate or borrowing money can only be discharged by the full council (s. 101(6)). In practice, it is not uncommon for committees to discuss the precept and to make recommendations to the full council who can then make a final decision.



## Appointed Councillors

4. S. 76 (which is not in force at the time of publication) of the Local Government and Public Involvement in Health Act 2007 amends the 1972 Act by inserting s.16A into it. S.16A provides:-
- a. 'A parish council may appoint persons to be councillors of the council.
  - b. The Secretary of State may by regulations make provision about-
    - i the appointment of persons under this section ;
    - ii the holding of office after appointment under this section.
  - c. The regulations may, in particular, make provision about any of the following matters:
    - i persons who may be appointed;
    - ii the number of persons who may be appointed;
    - iii the term of office of persons appointed;
    - iv the right of persons appointed to participate in decision-making by the council (including voting);
    - v purposes for which a person appointed is to be treated as an elected councillor;
    - vi the filling of vacancies.
  - d. In exercising a function under or by virtue of this section a parish council must have regard to any guidance issued by the Secretary of State about the exercise of that function.
  - e. A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.'

It is important to note that s.76 provides parish councils with a power (not a duty) to appoint persons as councillors. The exercise of such power may be desirable if a parish council wants to better represent or benefit from the input of certain people such as professionals, persons who hold relevant positions elsewhere in the community or persons from communities which are otherwise not represented on the council. When s.76 comes into in force, further guidance should be available. The Local Government and Public Involvement in Health Act 2007 relating to appointed councillors does not amend s.102 of the Local Government Act 1972 which deals with the composition of committees and sub committees – whether they are members or non members of the appointing council.

## The Discharge of Functions by a Committee or a Sub-Committee

5. Functions may be discharged by a committee or a sub-committee but **not** by individual councillors (including the chairman of a council or a chairman of a committee). Such practice was ruled by the High Court to be unlawful, in the case of *R v Secretary of State for the Environment ex parte London Borough of Hillingdon* [The Times 20 November 1985 also reported at greater length in the 'Local Government Review' on 4 January 1986]. The law relating to principal authorities has subsequently changed and executive responsibility can rest with an individual member but it is not possible for parish and town councillors to exercise such responsibility.
6. The 1972 Act does not state what the minimum number of members on a committee should be. In the *Hillingdon* case, the judge said, unsurprisingly, that the minimum number of members should be more than one but, in NALC's view, there should be a minimum of three. If there were only two members, the person presiding could use their casting vote (by virtue of paragraph 39(2) and 44(1) of Schedule 12 to the 1972 Act) to ensure that he/she could always secure a decision to his/her liking. In effect, therefore, the chairman of such a committee would have the sole power to take a decision which would breach the spirit of the *Hillingdon* case, if not strictly breaking the law.
7. Councils should review their decision-making procedures and eliminate any which involve decisions being taken solely by a chairman or by an individual councillor. It may be necessary to check, and subsequently amend, standing orders as part of the council's review. The *Hillingdon* case does not, however, affect the powers of a person presiding at a council or committee meeting to control the running of it because such powers do not relate to the discharge of the *functions* of a local authority.
8. Where urgent action is required between regular meetings, and where it is **not** possible or convenient to call a special or extraordinary meeting, decisions **can** lawfully be delegated to an officer of the council (usually the clerk) to make. The officer is the servant of the council as a whole and should be able to be relied upon to act on behalf of the council as a whole.

9. Delegation to an officer is not, of course, the only way a council can deal with matters which require regular decisions or actions by the council. Regular committee meetings can be programmed to be held more frequently than council meetings. A sub-committee (e.g. a committee of a committee) meeting can be called at less than three clear days' notice (pursuant to s.99 of the Local Government Act 1972 and subject to any standing orders in place). Such arrangements would, for example, enable local councils to make comment to planning authorities in respect of planning applications affecting their area within the timeframe allowed.
10. Legal Topic Note 5 (Parish Town and Community Council Meetings) discusses council meetings in more detail.

### **The Discharge of Functions by an Officer of the Authority**

11. Functions may be delegated to an officer of the council by three bodies:

- the full council;
- a committee; or
- a sub-committee.

However it would be open to the full council or a committee to say when functions should not be further delegated. Further, it is always open to the council or a committee to do the work itself – even though it may have delegated the work to a committee or officer (s. 101(4) of the 1972 Act).

12. If functions are delegated to individual officers, it would be prudent to ensure that the precise scope of the delegation is evidenced by a resolution of the council. This only applies to the delegation of *functions* and not to the many administrative tasks employees are expected to undertake on a day to day basis. It would also be prudent to ensure that the contracts of employment of any officers concerned fully reflect any functions that may be delegated to them in the course of his or her normal duties and also any other functions that may be delegated from time to time.

13. Councils should also take care to ensure that functions delegated to officers are not, in fact, exercised by individual councillors. This is particularly important when officers and councillors work together. As set out in paragraph 4 above, functions cannot be delegated to a single councillor and councillors should be careful not to exercise powers outside meetings.
14. In the Hillingdon case, a Judge stated that it would be difficult to fault a procedure where the decisions are taken by a duly authorised officer pursuant to s.101 in consultation with the elected chairman as it would be a simple way of dealing with **urgent** matters which could not go before an elected committee or sub-committee, but for which it was undesirable for a single officer to take sole responsibility. In some instances, it may be appropriate for consultation to be wider than solely with the chairman of the council or relevant committee; a point that councils should bear in mind when reviewing their decision-making procedures, especially in respect of council business which requires urgent or immediate action, e.g. responses to media queries, some personnel matters, reporting an incident to the police, or auditor.

#### **The Discharge of Functions by Other Authorities**

15. The 1972 Act allows an authority to arrange for any of its functions to be discharged by another authority. Two or more local authorities can also arrange that their functions are to be exercised jointly (s. 101(5)) and can ensure that any such joint functions are delegated to a joint committee or to an officer of one of the authorities. To assist this power, s. 113 of the 1972 Act enables local authorities to place their staff 'at the disposal' of other authorities for the purpose of their functions but cannot do so without consulting the member of staff concerned. Additionally, s. 136 of the 1972 Act allows 'two or more local authorities to make arrangements for defraying any expenditure incurred by one of them in exercising any functions exercisable by both or all of them.' This means that if two or more authorities have the power to exercise a function, they can arrange for one of the authorities to carry out that function on behalf of them both (or all) and both (or all) authorities can contribute towards the costs incurred by the authority actually carrying out that function.

## Can a Local Council appoint itself as a Committee?

16. Prior to the introduction of the Public Bodies (Admission to Meetings) Act 1960 and s. 100 of the Local Government Act 1972 ('Admission of public and press to local authority committee meetings'), it was the practice of many councils to appoint itself as a committee so that they could exercise their common law right to exclude the press and the public. The practice is less common in recent years but NALC is sometimes asked if it is lawful. In NALC's view a local authority cannot appoint itself as a committee. This view is shared by Raymond Knowles in his book 'Knowles on Local Authority Meetings – A Manual of Law and Practice, Fourth Edition' Paragraph 9.62 states that 'a committee which consists of all members of the council...cannot by definition be a committee of the parent body'.

## Terms of Reference

17. When delegating functions to committees, it is essential that the precise remit of the committee and its terms of reference are evidenced in writing. S. 102 of the 1972 Act gives councils a very broad discretion in this respect including the power to fix:

- the number of members;
- the terms of office of the members; and
- the area within which the committee is to exercise its authority (if restricted);

S. 106 of the 1972 Act provides that subject to any standing orders that the council has made in respect of quorum, proceedings and place of meeting of a committee or joint committee (including sub committee), the quorum, proceedings and place of meeting shall be determined by the committee, joint committee or sub committee.

## Non-Councillor Members of Committees

18. Legal Topic Note 7 (Non-Councillor Members of Committees) sets out the powers of local councils to appoint non-councillors to committees.

## Working Parties/Groups/Panels – (Advisory Committees)

19. S. 102(4) of the 1972 Act is in the following terms:

'A local authority may appoint a committee, and two or more local authorities may join in appointing a committee, to **advise** the appointing authority or authorities on any matter relating to the discharge of their functions, and any such committee—

- a. may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities; and
- b. may appoint one or more sub-committees to advise the committee with respect to any such matter.'

20. The terms of this power are very broad. A person wishing to become a councillor has to satisfy the qualification requirements of s. 79 of the Act but a non-councillor appointed to an advisory committee pursuant to s. 102(4) does not. However, any person disqualified from being a councillor pursuant to s. 80 of the Act is unable to be a member of any committee (including a committee under s. 102(4)) by virtue of s. 104 of the Act. Further information in respect of the qualification and disqualification provisions is set out in Legal Topic Note 7 (Non-Councillor Members of Committees).

21. The wording of 102(4) makes it clear that the role of committees and sub-committees appointed under s. 102(4) is restricted to **advising** the council (or committee) on 'any matter relating to the discharge of their functions'. The key word is 'advise'. Importantly, committees (or sub committees) appointed under s. 102(4) have no power to discharge functions.

22. NALC is aware that many councils make good use of this power and committees appointed under it are often referred to as 'working parties' or 'working groups' or 'panels'. NALC sees no particular difficulties in the use of such descriptions but councils should be aware that such parties/groups/panels are, in fact, committees within the meaning of the 1972 Act and are, accordingly, subject to the same legal provisions in the 1972 Act as other committees (as to which ones, please see Legal Topic Note 5 - Parish Town and Community Council Meetings).

## The 'Need to Know'

23. Sometimes councillors wish to attend meetings of committees to which they have not been appointed. This is a perfectly legitimate practice as councillors have the same rights to attend committee meetings as members of the public. However, where councillors attend meetings of committees to which they have not been appointed, they will not enjoy all the rights and privileges they enjoy as councillors. In particular, councillors will not have:
- an automatic right to participate in the meeting (unless the council has within the meeting a public participation session and in England the parish council has adopted paragraph 12(2) of the Model Code of Conduct );
  - a right to vote in the meeting; or
  - a right to obtain confidential information/documentation unless they can demonstrate a 'need to know'. This is explored in more detail below.
24. Councillors do not have a 'need to know' for all council business and cannot claim an automatic right to see all council documentation and information. The following may prove helpful in establishing whether a councillor has a 'need to know':
- If a councillor is a member of a committee, s/he has the right to inspect documents or to obtain information relating to the business of that committee;
  - If a councillor is not a member of a particular committee, s/he has to demonstrate why sight of the document(s)/or receipt of the information in question is necessary to enable him or her to perform his or her duties as a councillor;
  - If the councillor's motive for seeing the documents/ obtaining information is indirect, improper or ulterior, then the documentation or information should be withheld;
  - Councillors are not allowed a 'roving commission' through council documents, but have to specify precisely the documents or information they are requesting.
25. It is unclear whether councillors attending meetings of committees to which they have not been appointed are acting in 'an official capacity' (within the meaning of the model Code of Conduct for members of local authorities). To a member of the public, a councillor, attending a meeting of a committee to which s/he has not been appointed may still give the impression to the public of acting as a council

representative. NALC invites councillors to take a cautious approach and recommends that they comply with the Code, for example, declaring interests to ensure transparency in their conduct. In 2007 there were several Legal Briefings relating to the Model Code of Conduct expected of members of parish councils (Legal Briefing L11- 07 is of particular relevance). They detail the conduct expected of members during a public participation session of a council meeting. Legal Topic Note 7 (Non-Councillor Members of Committees) sets out the related issue of the obligations of councillors who sit on committees of other councils.

### The Election of 'Leaders of the Council'

26. Many County and District Councils have elected 'Leaders of the Council' pursuant to Part 2 of the Local Government Act 2000. NALC is aware that a number of larger local councils have purported to follow suit and have elected their own 'leaders' who largely fulfil a lobbying role which does not seek to undermine the role or casting vote of the chairman of the council. The 2000 Act, however, does not apply to Local Councils by virtue of s. s 10 and 48 of that Act. Accordingly, local councils should not elect leaders and any decision by them to do so would be ultra vires and void. With reference to paragraph 4 above, any councillor who is a 'leader' has no more and no less powers in law than any other councillor (with the exception of the chairman of the council who has additional powers by virtue of that position).

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

LTN	Title	Relevance
5	Parish Town and Community Council Meetings	Sets out the procedures and requirements of committees in further detail.
7	Non-Councillor Members of Committees	Sets out (i) the powers of councils to appoint non-councillors to sit on committees and (ii) qualification and disqualification provisions in respect of non councillors.
8	Elections	Details the qualification and disqualification provisions for councillors.
22	Employment	Decision making in respect of staffing and personnel matters.

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## PEACEHAVEN TOWN COUNCIL

### COMMITTEE TERMS OF REFERENCE

#### TR1 The Standing Committees of the Council shall be as follows:

**Planning & Highways Committee** – 9 members consisting, if possible, of at least two Members representing each Ward of the Town.

**Policy & Finance Committee** – 9 members consisting of, Chairman of the Council, Vice Chairman of the Council, Chairmen (or if unable to attend, the Vice Chairman) of the two other Standing Committees of the Council plus five other Members.

**Leisure & Amenities Committee** – 9 members

**Substitute Members** – If a Member of a Standing Committee or Sub-Committee is unable to attend a meeting they must inform the Proper Officer and may arrange for a substitute member to attend the meeting in their place. The substitute Member should be of the same political group as the Member unable to attend. Confirmation of the substitution to the Proper Officer must be at least 24 hours in advance of the meeting and be on the prescribed form, which must be counter signed by the appropriate Group Leader. Failure to meet the 24 hours notice as above shall invalidate the substitution.

An ordinary member of a Standing Committee or Sub-Committee who has been replaced at a meeting by a substitute member (in accordance with the preceding paragraph) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting.

#### **Note**

All the Council's powers and duties shall be delegated to the Standing Committees in accordance with the Terms of Reference below, subject to the exceptions as detailed in TR6 below, provided that the exercise of delegated powers shall be subject to the respective Committees giving effect to any resolution of the Council upon matters of principle or policy. In the case of doubt or when a matter appears to involve a new departure in policy the Committee decisions shall be submitted to the Council as a Recommendation.

#### TR2 SUB-COMMITTEES

- (a) Committees appointed by the Council may appoint Sub-Committees (which include Advisory Sub-Committees) for the purposes to be specified by the Committee and determine the size and membership of the Sub-Committee.

- (b) The Committee Chairman shall be a member of the Sub-Committee.
- (c) Except where powers or duties are delegated to a Sub-Committee whose acts in pursuance of any statutory enactment need not be submitted to the Committee for approval, no act of a Sub-Committee shall have effect until approved by the Committee.

### **TR3 APPOINTMENT OF WORKING PARTIES**

Every Standing Committee appointed by Council may appoint special Working Parties for the purpose to be specified by the Committee. No act of a special Working Party shall have effect until approved by the parent Committee unless specifically instructed in the terms of reference at the outset. The Committee Chairman shall be a member of the Working Group. When the Terms of Reference have been complied with the Working Party shall be automatically discharged.

### **TR4 ELECTION OF CHAIRMEN OF STANDING COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES**

Every Committee, Sub-Committee and Working Party shall at its first meeting, before proceeding with any other business, elect a chairman for the council year. No Councillor shall be the chairman on more than one Committee at any time.

### **TR5 QUORUM OF STANDING COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES**

Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Standing Committee, Sub-Committee or Working Party, unless at least one-third of the membership is present; provided that in no case shall the quorum of a Standing Committee be less than three Members of that Committee or two Members in the case of a Sub-Committee or Working Party.

### **TR6 MATTERS TO BE DEALT WITH SOLELY BY THE COUNCIL**

- (a) The power of raising loans and setting the Precept;
- (b) The power of incurring capital expenditure not specifically included in the Council's approved budget estimates of expenditure for the time being;
- (c) Approving the Annual Return;
- (d) Appointing the independent Internal Auditor each Council year.
- (e) The appointment to or co-option on a Committee or Sub-Committee of a person (on a strictly non-voting basis) who is not a Member of the Council or Committee;

- (f) Standing Orders and the functions and constitution of Committees and Sub-Committees;
- (g) Dates of meetings of the Council;
- (h) Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year;
- (i) Filling vacancies on any Committees of the Council during the Council year;
- (j) The appointment or dismissal of the Town Clerk
- (k) Sale of Land. Any public Open space, proposed sale, disposal of, purchase, hire or ownership of Public Open Space and Amenities, will be openly discussed at Full Council with at least one third of Councillors present and over 50% of those Members to agree.

#### **TR7 POWERS AND DUTIES OF STANDING COMMITTEES**

Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.

The acts and proceedings of a Committee shall:

- (a) Where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;
- (b) As regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed acts and proceedings of the Council;
- (c) In all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations including SO1(x)&(y) (quorums) except as otherwise determined by the Council. Members wishing to speak may remain seated.

The Council may at any time without prejudice to executive action already taken, revoke any executive power delegated to a Committee.

#### **TR8 PLANNING & HIGHWAYS COMMITTEE**

The making of representations to the Local Planning Authority on applications for planning permission which have been notified in accordance with the Local Government Act 1972, Section 20, Schedule 16, and other relevant legislation;

- (a) The making of representations in respect of appeals against the refusal of planning permissions;
- (b) The making of recommendations regarding street names;

- (c) To consider and monitor the Town and other developmental plans and the making of all appropriate representations.
- (d) The facilitation of economic development initiatives, including those pertaining to town centre matters, for the benefit of Peacehaven and making recommendations on all related matters and liaison as appropriate with other agencies;
- (e) The making of representations to the appropriate Planning Authority in respect of other planning matters not otherwise referred to in Terms of Reference (a) to (e) above.
- (f) The making of representations to the appropriate authority in respect of highway matters and public transport services.
- (g) The making of representations to Lewes District Council regarding Public Entertainment Licensing and Licensed Premises generally.
- (h) All other matters (except planning) which are the responsibility of third party agencies and directly affect the town's basic infrastructure.
- (i) Manage the Town Enhancement projects including shrub/flower planters as determined from time to time.
- (j) Dealing with the provision and maintenance of Town Council owned bus shelters, street/footpath lighting and shrub/flower planters.
- (k) Prepare annual Committee budget estimates in October on all Terms of Reference referred to above and forward to the Policy & Finance Committee not later than December;
- (l) Manage and Monitor at least on a quarterly basis the expenditure incurred and committed against the approved budget estimates for the Committee.
- (m) Deed or Transfer of Title (Land) once agreed at Full Council, will be openly discussed and if required, planning restrictions applied, through the Planning and Highways Committee, before commencing with solicitors.

#### **TR9 POLICY & FINANCE COMMITTEE**

- (a) The making of recommendations in respect of items (d) to (j) of the matters to be dealt with solely by the Town Council;
- (b) Dealing with all matters relating to the general day-to-day administration of the Council including policy matters;

- (c) Dealing with matters specifically referred by the Town Council or any other Standing Committee and with all matters not specifically referred or delegated to any other Standing Committee;
- (d) Dealing with the Terms and Conditions of Service and superannuation of the Town Council's staff and making appropriate recommendations relying on, where appropriate, the Scheme of Conditions of Service of the National Joint Councils and the National Association of Local Councils; (Currently EMPLOYMENT SUB)
- (e) The making of appropriate decisions in respect of community and other grants/subsidies from the Town Council's revenue budget estimates, including reimbursable expenditure; (currently GRANTS SUB)
- (f) Responsible for ensuring risk assessments are undertaken as appropriate, including insurance, Health & Safety as specified in Financial Regulations.
- (g) Giving consideration to, agreeing and making appropriate recommendations in respect of the Town Council's revenue budget estimates, including reimbursable expenditure;
- (h) Acting as lead Committee in respect of any partnership initiative of a corporate nature with the principal Local Authorities for the area including, as appropriate, the development of Joint Partnership Committees and recommendations on Terms of Reference and constitutional matters.
- (i) Prepare annual Committee budget estimates in October on all Terms of Reference referred to above and forward to the Policy & Finance Committee not later than December;
- (j) Manage and Monitor at least on a quarterly basis the expenditure incurred and committed against the approved budget estimates for the Committee and monitor all other Standing Committees.

#### **TR10 LEISURE & AMENITIES COMMITTEE**

- (a) Dealing with the provision, maintenance and management of Community House, The Sports Park Pavilion, The Annexe Room, and the maintenance and management of any other Council land holdings, vehicles and/or buildings of a leisure nature – amenities, allotments, children's play parks, sports, cultural or community for example – and the determining annually all rents and charges for the use of such facilities.
- (b) Dealing with the provision, maintenance and management of street furniture and Town Council owned facilities (excluding bus shelters, street lighting and shrub/flower planters - these are the responsibility of the Planning & Highways Committee).

- (c) Dealing with the preparation and publication of the official Town Guide and other publications relevant to the work of the Committee.
- (d) Prepare a specification for the maintenance of grass verges and street furniture in Peacehaven and such extended areas (towns) as agreed from time to time and seek quotations for the maintenance of the said grass verges and street furniture.
- (e) Award and monitor the Grass Verge and/or Street Furniture Cleansing Contracts accordingly.
- (f) The making of recommendations to the Employment Sub Committee regarding matters relating to the Town Council's staff engaged on grounds maintenance, caretaking and cleaning duties.
- (g) Prepare annual Committee budget estimates in October on all Terms of Reference referred to above and forward to the Policy & Finance Committee not later than December;
- (h) Manage and Monitor at least on a quarterly basis the expenditure incurred and committed against the approved budget estimates for the Committee.

#### **TR11 DELEGATION TO CHAIRMEN GENERALLY**

- (a) To cancel or postpone a meeting owing to lack of business or in an emergency.
- (b) To have discretion to include any item of an urgent nature under "Urgent Business" on the relevant Council or Committee Agenda.



## Peacehaven Town Council

### Code of Conduct for Members

As a member or co-opted member of **Peacehaven Town Council** 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.

#### 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 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.

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*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 the 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.

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

This Code of Conduct, adopted by the authority on 16 October 2012, is set out below. It is made under Chapter 7 of the Localism Act 2011 and 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.

## **Part 1 – General provisions**

### **Introduction and interpretation**

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

(2) This Code is based upon seven principles fundamental to public service, which are set out above. You should have regard to these principles as 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 adviser – 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 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.

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(6) In this Code—

"authority" means **Peacehaven Town Council**

"Code" means this Code of Conduct

"co-opted member" means a person who is not a member 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 question that falls to be decided at any meeting 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' interests" means the authority's 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 this Code whenever you—

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

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

and references to your official capacity are construed accordingly.

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(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 of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

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

## **General obligations**

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

(2) You must not—

(a) do anything which may cause your authority to breach any of its the equality duties (in particular as 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 a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

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(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;

(b) prevent another person from gaining access to information to which that person is entitled by law.

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

6. You—

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

(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 matter you must have regard to any relevant advice provided to you by—

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

(b) your authority's Town Clerk/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.

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## 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(5) and

(b) if the failure relates 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 a position of general control or management and to which you are appointed or nominated by your 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 in a position of general control or management;

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(4) In sub-paragraph (3)(b), a relevant person is—

(a) a member of your family or a close associate; 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 (3)(a)(i) or (ii).

(5) Subject to sub-paragraphs (6), you have 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 (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

Interest	Description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business

	<p>or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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These descriptions on interests are subject to the following definitions;

'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

'director' includes a member of the committee of management of an industrial and provident society;

'land' includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

'M' means the person M referred to in section 30 of the Localism Act 2011;

'member' includes a co-opted member;

'relevant authority' means the authority of which M is a member;

'relevant period' means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Localism Act 2011;

'relevant person' means M or any other person referred to in section 30(3)(b) of the Localism Act 2011;

'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

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

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disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

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

(3) 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.

(4) 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.

(5) 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;



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- (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;

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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 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)(b)(i) or (1)(b)(ii) or any change to any personal interest registered under sub-paragraphs (1)(b)(i) or (1)(b)(ii), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

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## **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, any sub-committee of the standards committee, 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

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(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.

**Signature**

I Councillor .....hereby accept this code of conduct

Signed.....Date .....

KK/code of conduct/PTC code of conduct/sept 2012



## PEACEHAVEN TOWN COUNCIL - Meeting Schedule 2019

JANUARY			JULY		
TUESDAY	8	Planning and Highways	TUESDAY	2	Leisure & Amenities
TUESDAY	15	Policy and Finance	TUESDAY	9	Planning & Highways
TUESDAY	22	Leisure & Amenities	TUESDAY	16	No meeting
TUESDAY	29	COUNCIL - PRECEPT	TUESDAY	23	COUNCIL
WEDNESDAY	30	Employment Sub 9:00am	TUESDAY	30	No meeting
FEBRUARY			AUGUST		
TUESDAY	5	Planning & Highways	TUESDAY	6	Planning & Highways
TUESDAY	12	Policy & Finance	TUESDAY	14	No meeting
TUESDAY	20	No meeting	TUESDAY	21	No meeting
FRIDAY	22	Employment Sub 1:00pm	TUESDAY	28	No meeting
TUESDAY	27	Planning & Highways			
MARCH			SEPTEMBER		
TUESDAY	5	COUNCIL	TUESDAY	3	Planning & Highways
TUESDAY	12	Leisure & Amenities	TUESDAY	10	Leisure & Amenities
TUESDAY	19	Planning & Highways	TUESDAY	17	Policy & Finance
TUESDAY	26	No meeting - Easter	TUESDAY	24	No meeting
APRIL			OCTOBER		
TUESDAY	2	No meeting - Easter	TUESDAY	1	Planning & Highways
TUESDAY	9	Planning & Highways	TUESDAY	8	No Meeting
TUESDAY	16	ANNUAL TOWN MEETING 6pm	TUESDAY	15	COUNCIL
TUESDAY	23	Policy & Finance	TUESDAY	22	Planning & Highways
TUESDAY	30	No meeting	TUESDAY	29	No meeting
MAY			NOVEMBER		
TUESDAY	7	Planning & Highways	TUESDAY	5	Leisure & Amenities
TUESDAY	14	Leisure & Amenities – Elect Chair	TUESDAY	12	Planning & Highways
WEDNESDAY	15	Employment Sub 9am	TUESDAY	19	Policy & Finance
TUESDAY	21	ANNUAL COUNCIL – Elect Mayor	TUESDAY	26	No meeting
TUESDAY	28	Planning & Highways – Elect Chair			
TUESDAY	29	No meeting			
JUNE			DECEMBER		
TUESDAY	4	Policy & Finance – Elect Chair	TUESDAY	3	Planning & Highways
TUESDAY	11	Planning & Highways	TUESDAY	10	No meeting
TUESDAY	18	COUNCIL – ANNUAL RETURN	TUESDAY	17	No meeting
TUESDAY	25	No meeting	TUESDAY	24	No meeting

### ALL MEETINGS TO COMMENCE AT 7:30PM UNLESS STATED

- Council meeting to discuss the 2018-19 precept will be in January 2018
- Easter Holidays – 30<sup>th</sup> March to 2<sup>nd</sup> April 2018

**Report – Risk / Health and safety Assessment PTC 2018 to 2019**

From – Campbell McBryer

To – All members Peacehaven Town Council

Date – 9<sup>th</sup> May 2018

**Information**

Peacehaven Town Council has an obligation to assess risk, including health and safety concerns, relating to Council Business, Management of Council and Financial Obligations. This includes health and safety for our staff, at Play Parks and for those using our facilities.

A Software Package has been used to record, monitor and manage our risk. This is the Local Council Risk System and is designed specifically for this purpose.

Each area of risk is recorded within the system and areas identified as having a higher risk have action plans assigned to them. The purpose of these is to identify and mitigate risk within specific areas.

**Method**

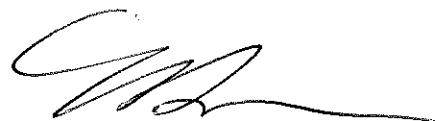
Using the software package all reasonably identified risks have been recorded, scored and assessed. Action plans have been completed for each area identified as being of raised risk to Council.

**Conclusion**

Peacehaven Town Council has no areas of unreasonable risk. Each area identified as being a raised area of risk has been assessed and mitigating factors introduced to ensure that risk is reduced and of an acceptable level.

An overall summary is attached which shows each area of risk and the risk associated with each area. Areas of increased risk to Council are listed separately and in further detail. A brief note of the relevant action plan is attached and may be further researched within LCRS.

***In Conclusion Peacehaven Town Council meets its Statutory Obligations with regard to Risk, including Health and safety. PTC has comprehensive insurance and any areas of risk, such as individual events and activities, are managed on an individual basis and separate risk assessments completed.***





# LCRS 6. Overall Summary

Peacehaven Town Council  
Assessment for year 2018 To 2019

Area	Duty	No of risks	Number scored	Avg Score	No of uncontrolled Risks (>3)	Your action plan rank
Allotments	Powers to provide allotments Duty to provide allotment gardens if demand unsatisfied	18	18	1.3	0	
Bar Services		7	7	1.4	0	
Bus Services	Power to provide transport schemes	2	2	2.5	1	
Bus Shelters	Power to provide and maintain shelters	5	5	1.4	0	
Car Parks	Power to provide & maintain.	17	0		0	
Cemetaries/Churchyards	Power to provide	6	6	1.3	0	
Clocks	Power to provide public clocks	3	3	1.0	0	
Code of Conduct	Duty to adopt a code of conduct	1	1	4.0	1	
Commons and Common Pastur	Powers in relation to enclosure, as to regulation and management, and as to providing common pasture	13	13	1.5	1	
Community Centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives	16	16	1.4	1	
Computing	Power to facilitate discharge of any function	3	3	2.0	1	
Council Meetings		3	3	1.3	0	
Council Property and Documen	Duty to disclose documents and to adopt publication scheme	4	4	2.0	1	
Crime Prevention - CCTV	Powers to spend money on various crime prevention measures	7	7	1.3	0	
Data Protection	Duty of Notification and Duty to Disclose (subject access)	1	1	4.0	1	
Drainage	Power to deal with ponds and ditches	7	7	1.4	1	
Employment of Staff	Duty to Appoint	7	7	2.1	2	
Entertainment and the arts	Provision of entertainment and support of the arts	15	15	1.3	0	
Financial Management	Duty to ensure responsibility for financial affairs	11	11	2.4	5	
Gifts	Power to accept	1	1	4.0	1	
Investments	Power to participate in schemes of collective investment	1	0		0	





# LCRS 6. Overall Summary

## Peacehaven Town Council Assessment for year 2018 To 2019

Area	Duty	No of risks	Number scored	Avg Score	No of uncontrolled Risks (>3)	Your action plan rank
Land	Power to acquire by agreement, to appropriate, to dispose of land Power to accept gifts of land	13	13	2.2	5	
Litter	Power to provide receptacles; Duty to empty & cleanse those provided	7	7	2.4	3	
Markets	Power to provide	18	18	1.1	0	
Meetings of the Council	Duty to meet	5	5	1.6	1	
Newsletters	Power to provide from 'free resource'	5	5	1.6	1	
Nuisances	Power to deal with offensive ditches	1	1	1.0	0	
Open spaces	Power to acquire land and maintain	10	10	2.7	3	
Planning & Development Contr	Rights of consultation	1	1	1.0	0	
Play Areas	Power to provide	4	4	2.0	1	
Provision of Office Accommod	Power to provide	5	5	2.2	1	
Provision of Website/Internet	Power to provide from 'free resource'	2	2	2.5	1	
Public buildings and Village ha	Power to provide buildings for offices and for public meetings and assemblies	16	16	1.3	1	
Public Conveniences	Power to provide	12	12	2.6	6	
Seats		3	3	1.0	0	
Shelters & Seats	Power to provide	3	3	2.0	1	
Skatepark	Power to provide	6	6	1.7	1	
Street/Footway Lighting	Power to provide	8	8	1.4	0	
Taxi Fare Concessions	Power to provide	1	1	1.0	0	
Tourism	Power to contribute to organisations encouraging tourism	2	2	1.0	0	
Town and Country Planning	Right to be notified of planning applications	3	3	1.0	0	
Village Signs	Power to erect (with Highway Authority approval)	2	2	2.5	1	





# LCRS 6. Overall Summary

Peacehaven Town Council  
Assessment for year 2018 To 2019

Area	Duty	No of risks	Number scored	Avg Score	No of uncontrolled Risks (>3)	Your action plan rank
War Memorials	Power to maintain, repair, protect and adapt war memorials	3	3	2.0	1	
Water Supply	Power to utilise well, spring or stream and to provide facilities for obtaining water therefrom	1	1	9.0	1	
Web Sites		16	16	1.2	1	

Overall totals/ scores 295 277 1.7 45

Completed by: C. McBeal

Date: 09.05.2018

Position: LTA Manager

- How to complete:
1. Review each area and the number of uncontrolled risks.
  2. Decide which area is at most risk and should be actioned firstly mark this as number One.
  3. Repeat on all areas until all uncontrolled areas are allocated.