



LANCASTER
CITY COUNCIL

Promoting City, Coast & Countryside

COUNCIL MEETING

Monday, 21st May 2007 - 6.00 p.m.
Morecambe Town Hall

Mark Cullinan
Chief Executive
Town Hall
LANCASTER



LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

Sir/Madam,

You are hereby summoned to attend a meeting of the Lancaster City Council to be held in the Town Hall, Morecambe on Monday, 21st May 2007 commencing at 6.00 p.m. for the following purposes:

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES**

To receive as a correct record the Minutes of the Meeting of the City Council held on 18th April 2007 (previously published).

3. **DECLARATIONS OF INTEREST**

4. **ANNOUNCEMENTS**

To receive any announcements which may be submitted by the Mayor or Chief Executive.

5. **CITY COUNCIL ELECTIONS - 3RD MAY 2007** (Pages 1 - 12)

To consider the report of the Returning Officer setting out the results of the City Council elections held on 3rd May 2007.

6. **SENIORITY OF MEMBERS** (Pages 13 - 14)

To receive the report of the Chief Executive setting out the seniority of Members of the City Council.

7. **CONSTITUTION OF POLITICAL GROUPS** (Pages 15 - 16)

To receive the report of the Chief Executive setting out the Political Groups constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990.

8. **ALLOCATION OF SEATS TO POLITICAL GROUPS** (Pages 17 - 24)

To consider the report of the Chief Executive.

9. **COMPOSITION OF CABINET**

To consider whether or not the Cabinet should be established on a proportional representation (PR) basis for the ensuing year.

10. **ELECTION OF LEADER OF THE CABINET/LEADER OF THE COUNCIL**

To receive nominations and elect the Leader of the Cabinet/Leader of the Council in accordance with the provisions of Article 7.03 set out below:

“The Leader will be a Councillor annually elected to the position of Leader by simple majority of the Council. In the event that only one nomination is put forward a vote will still be taken.”

11. **ELECTION OF CABINET MEMBERS**

To receive nominations for 9 Members to serve on Cabinet and elect those Members of the Cabinet in accordance with the provisions of Article 7.04 of the constitution set out below:

“In the event that a resolution for a PR Cabinet is carried by simple majority of the Council, other Cabinet Members, as nominated by Groups, shall be elected to the Cabinet en bloc.

In any other case, including the case of a casual vacancy arising during the year in a non-PR Cabinet, Members who are nominated, seconded and willing to accept nomination shall be voted upon individually commencing with those one or more up to the number of vacancies as are nominated before the start of the meeting by the Leader or potential Leader until vacancies for other Cabinet Members are filled or until no more nominations are made. Nominations shall be put forward as a package by the Leader, but voted upon individually, commencing with those nominated by the Leader, until all vacancies are filled and no more nominations are made.

Should an individual not be elected, further nominations may be made by Councillors but not by the Leader.”

12. **APPOINTMENT OF OVERVIEW & SCRUTINY MEMBERS**

To receive nominations and appoint Members to serve on each of the following Overview & Scrutiny bodies in accordance with the political balance arrangements agreed at Item 8. In accordance with the Council’s Constitution, Part 3, Sections 10 and 11, only non-Executive Members may vote on this item.

- (a) Overview and Scrutiny Committee (9)
- (b) Budget and Performance Panel (9) – to include a minimum of one member of the Overview and Scrutiny Committee

13. **APPOINTMENT OF COMMITTEE MEMBERS**

To receive nominations and appoint Members to serve on the under-mentioned Committees in accordance with the political balance arrangements agreed at Item 8

- (a) Licensing Regulatory Committee (7)
- (b) Licensing Act Committee (15)
- (c) Planning and Highways Regulatory Committee (20)
- (d) Personnel Committee (7) – to include at least one Member of Cabinet (Members must not also be on the Appeals Committee)
- (e) Appeals Committee (7) – to include at least one Member of the Cabinet. (Members should not also be on the Personnel Committee)
- (f) Audit Committee (7) – to include the Cabinet Member with special responsibility for financial affairs
- (g) Appraisal Panel (7) – to include the Leader
- (h) Standards Committee (7) – may not include Leader
- (i) Council Business Committee (7)
- (j) Local Governance Committee (9)
- (k) Lancashire Local – Lancaster District Joint Committee (10) – must include at least one Cabinet Member

14. **ELECTION OF CHAIRMEN**

To receive nominations and elect a Chairman to each of the under-mentioned bodies. In accordance with the Council's Constitution, Part 3, Sections 10 and 11, only non-Executive Members are entitled to vote on (a) and (b) below:

- (a) Overview and Scrutiny Committee - shall not be a member of the largest political group represented on Cabinet
- (b) Budget and Performance Panel - shall not be a member of the largest political group represented on Cabinet
- (c) Licensing Regulatory Committee
- (d) Licensing Act Committee
- (e) Planning and Highways Regulatory Committee
- (f) Personnel Committee
- (g) Appeals Committee
- (h) Audit Committee – may not be a Member of Cabinet or Overview and Scrutiny Committee
- (i) Appraisal Panel – may not be the Leader
- (j) Council Business Committee
- (k) Local Governance Committee

With regard to Standards Committee, Council is requested to note the re-appointment of Mr. Stephen Lamley as Chairman for period of 3 years from March 2005.

15. **APPOINTMENT TO OUTSIDE BODIES, PARTNERSHIPS AND BOARDS** (Pages 25 - 30)

To consider the report of the Chief Executive.

16. **ADOPTION OF NEW CODE OF CONDUCT** (Pages 31 - 44)

To consider the report of the Monitoring Officer.



.....
Chief Executive

Town Hall,
LANCASTER,
LA1 1PJ.

Published on Thursday 10th May 2007

Lancaster City Council Elections
3rd May 2007

Mark Cullinan
Returning Officer

Comparative Statistics

	1999	2003	2007
Wards and Members			
Wards	29	28	28
Members	60	60	60
Contested Wards	28	28	28

Candidates

British National Party	0	0	1
Conservative Party	34	35	57
Green Party	11	41	33
Independent	17	27	7
Labour Party	53	42	53
Liberal Democrats	16	15	15
Morecambe Bay Independents	22	20	21
Socialist Alliance	0	1	0
UK Independence Party	0	1	4
Total	151	181	191

Political Composition

The political composition of the Council immediately following the elections:

Conservative Party	9	10	12
Green Party	5	7	12
Independent	5	4	5
Labour Party	17	20	14
Liberal Democrats	6	8	5
Morecambe Bay Independents	18	11	12
Total	60	60	60

Turnout

Average Turnout	40%	33%	35%
Maximum Turnout	59%	52%	54%
Minimum Turnout	28%	18%	13%

Ward Results

Bare			
Ashworth	June Irene (Morecambe Bay Independents)	494	Elected
Berry	Andrew Mark (Labour Party)	201	
Bray	Susan (Conservative Party)	546	Elected
Gradwell	Michael (Liberal Democrats)	335	
Heath	Tricia (Morecambe Bay Independents)	397	
Hilton	Ian Carey (Labour Party)	153	
Marsh	Graham (Conservative Party)	452	
Salkeld	Pat (Green Party)	88	
2003 Turnout: 34%		2007 Turnout: 42%	

Bolton-le-Sands			
Budden	Keith William (Independent)	685	Elected
Histed	Val (Conservative Party)	649	Elected
Kerr	Neil (Conservative Party)	427	
Martin	Richard William (Labour Party)	273	
Moncaster	Avril (Green Party)	225	
Reynolds	John Robert (Labour Party)	196	
2003 Turnout: 31%		2007 Turnout: 38%	

Bulk			
Barker	Ian Stuart (Labour Party)	728	
Clark	Sue (Labour Party)	686	
Edwards	Sean James (Conservative Party)	215	
Hogan	Dan (Labour Party)	584	
Kay	Andrew Martin (Green Party)	884	Elected
Saywell	Andrew Jonathen (Conservative Party)	205	
Whitelegg	John (Green Party)	1017	Elected
Whitelegg	Maia (Green Party)	890	Elected
2003 Turnout: 32%		2007 Turnout: 39%	

Carnforth			
Beaman	Gregg (UK Independence Party)	215	
Gardner	Paul Malcolm (Labour Party)	304	
Johnson	Tony (Conservative Party)	471	Elected
Jones	Judith Anne (Labour Party)	320	
Roe	Bob (Independent)	381	Elected
2003 Turnout: 23%		2007 Turnout: 30%	

Castle			
Barry	Jon (Green Party)	1485	Elected
Brown	Nigel (UK Independence Party)	84	
Coates	Chris (Green Party)	1270	Elected
Gibson	Michael John (Labour Party)	417	
Hazzlewood	Jonathan William James (Conservative Party)	356	
Livesley	Rebecca (Liberal Democrats)	200	
Piggott	Linda Ann (Labour Party)	392	
Plested	Matthew (Conservative Party)	320	
Stafford	Lynne Burnside (Labour Party)	375	
Stamp	Catriona (Green Party)	1184	Elected
Wakeford	Christian Jonathan (Conservative Party)	280	
2003 Turnout: 37%		2007 Turnout: 42%	

Duke's			
Bennington	Miles Hillcoate (Conservative Party)	104	
Chapman	Anne (Green Party)	348	Elected
Pettitt	Robin Thomas (Labour Party)	112	
2003 Turnout: 30%		2007 Turnout: 30%	

Ellel			
Charles	Susie (Conservative Party)	909	Elected
Harrison	Sarah (Labour Party)	283	
Helme	Helen (Conservative Party)	991	Elected
Horn	Tom (Liberal Democrats)	282	
Neesam	Darren Keith (Labour Party)	246	
Nicholson	Mike (Liberal Democrats)	289	
Wyatt	Richard (Green Party)	282	
2003 Turnout: 23%		2007 Turnout: 33%	

Halton-with-Aughton			
Adams	Cherith (Green Party)	54	
Jefferson	Brian (Conservative Party)	367	
Woodruff	Paul (Independent)	513	Elected
2003 Turnout: 40%		2007 Turnout: 51%	

Harbour			
Barnes	John Edward Newton (Morecambe Bay Independents)	505	Elected
Bentham	Judith (Conservative Party)	230	
Bolton	Michael (Conservative Party)	296	
Brown	Jane (Conservative Party)	252	
Dickinson	Stephen (Green Party)	89	
Farrow	David (Morecambe Bay Independents)	463	
Hanson	Janice (Labour Party)	531	Elected
Robinson	Peter (Labour Party)	492	Elected
Stebbing	Christine (Morecambe Bay Independents)	429	
Whitaker	David (Labour Party)	472	
2003 Turnout: 25%		2007 Turnout: 29%	

Heysham Central			
Forrest	Melanie (Green Party)	120	
Hibbins	Pat (Conservative Party)	402	
Knight	Geoff (Morecambe Bay Independents)	508	Elected
Taylor	Joyce (Independent)	766	Elected
Yates	Jean Elizabeth (Labour Party)	347	
2003 Turnout: 28%		2007 Turnout: 37%	

Heysham North			
Buck	Debbie (Conservative Party)	199	
Calvert	John (Conservative Party)	169	
Clifford	Tina Louise (Labour Party)	353	Elected
Hallam	Michael (Green Party)	99	
Moore	Brian (Morecambe Bay Independents)	313	
Sands	Ron (Labour Party)	367	Elected
Wolfenden	Laura (Morecambe Bay Independents)	312	
2003 Turnout: 23%		2007 Turnout: 26%	

Heysham South			
Barmby	Brian (Morecambe Bay Independents)	500	
Biddulph	Alan (Labour Party)	438	
Brown	Ken (Conservative Party)	855	Elected
Clifford	Darren Keith (Labour Party)	461	
Farrow	Keran (Morecambe Bay Independents)	520	Elected
Greenall	Mike (Morecambe Bay Independents)	704	Elected
Webb	Gareth Maurice Weston (Labour Party)	321	
2003 Turnout: 25%		2007 Turnout: 32%	

John O'Gaunt			
Blakely	Jim (Labour Party)	776	Elected
Blamire	Eileen (Labour Party)	728	Elected
Chadwick	Steven John (Conservative Party)	438	
Jackson	Joan Parkinson (Conservative Party)	417	
Richardson	Janet Mary (Labour Party)	608	
Roberts	Tom (Green Party)	645	
Roberts	Victoria Joy (Conservative Party)	377	
Towers	Jude (Green Party)	722	Elected
Westcombe	Mark (Green Party)	537	
2003 Turnout: 27%		2007 Turnout: 32%	

Kellet			
Blakely	Miriam (Labour Party)	88	
Mace	John Roger (Conservative Party)	703	Elected
Martyn	Ralph (Green Party)	98	
2003 Turnout: 46%		2007 Turnout: 51%	

Lower Lune Valley			
Bateman	Jeremy Hugh (Labour Party)	118	
Kidd	Andrew John (Conservative Party)	762	
Langhorn	Stuart (Liberal Democrats)	785	Elected
McGlade	Fred (UK Independence Party)	145	
Parkinson	Jane (Conservative Party)	683	
Pritchard	Joyce (Liberal Democrats)	815	Elected
Ruth	Benjamin (Green Party)	133	
Watts	Tom David (Labour Party)	93	
2003 Turnout: 44%		2007 Turnout: 52%	

Overton			
Fairhurst	Don (Morecambe Bay Independents)	236	
Holdon	Sue (Green Party)	40	
Pattison	Ian (Labour Party)	169	
Sowden	Keith (Conservative Party)	265	Elected
2003 Turnout: 31%		2007 Turnout: 37%	

Poulton			
Archer	Evelyn (Morecambe Bay Independents)	658	Elected
Bradshaw	Jon (Conservative Party)	369	
Burns	Shirley (Morecambe Bay Independents)	612	Elected
Catterall	Jim (Conservative Party)	367	
Gerrard	Rebekah (Labour Party)	501	Elected
Grave	Richard Ross (Labour Party)	370	
MacKenzie	Adrian Bruce (Green Party)	126	
Spelling	Beryl (Labour Party)	407	
Walker	Geoff (Morecambe Bay Independents)	468	
Watson	Andrew (Conservative Party)	333	
2003 Turnout: 23%		2007 Turnout: 28%	

Scotforth East			
Gilbert	John (Liberal Democrats)	589	Elected
Henig	Stanley (Labour Party)	253	
Hill	Billy (Conservative Party)	446	
Kirkman	Janie (Liberal Democrats)	637	Elected
Mills	Abi (Green Party)	166	
Paterson	Charlotte Elizabeth (Conservative Party)	421	
Pickles	Pam (Labour Party)	287	
2003 Turnout: 40%		2007 Turnout: 44%	

Scotforth West			
Bird	James (Conservative Party)	587	
Clark	Bob (Labour Party)	515	
Currie	Tom (Conservative Party)	577	
Denwood	Sheila (Labour Party)	854	Elected
Fletcher	Jane (Green Party)	787	Elected
Heath	Emily (Green Party)	1016	Elected
Kershaw	Ronnie (Labour Party)	484	
Mills	Jonathan David (Green Party)	677	
Outram	Val (Conservative Party)	627	
2003 Turnout: 38%		2007 Turnout: 43%	

Silverdale			
Bingley	Amanda (Green Party)	153	
Fishwick	Sarah (Conservative Party)	660	Elected
Timmins	Rachel Margaret (Labour Party)	91	
2003 Turnout: 52%		2007 Turnout: 54%	

Skerton East			
Airey	Margo (Conservative Party)	332	
Bateson	Stuart (Conservative Party)	339	
Bryning	Abbott Clifton (Labour Party)	609	Elected
Gardner	Norman (Independent)	214	
Grattan	Charles Michael (Labour Party)	680	Elected
Marsden	Geoff (Conservative Party)	259	
Pinkney	Tony (Green Party)	197	
Redfern	Robert Michael (Labour Party)	597	Elected
Rotherham	Mark (Green Party)	213	
Toms	Ashley Keith (Green Party)	317	
Varey	Mick (Independent)	272	
2003 Turnout: 21%		2007 Turnout: 28%	

Skerton West			
Airey	Dave (Conservative Party)	350	
Airey	John (Conservative Party)	350	
Hill	Chris (British National Party)	297	
Horton	David Richard (Green Party)	273	
Ireton	Paul (Conservative Party)	315	
Leytham	Karen (Labour Party)	721	Elected
Sherlock	Roger James (Labour Party)	655	Elected
Smith	Robert Paul (Labour Party)	655	Elected
2003 Turnout: 25%		2007 Turnout: 29%	

Slyne-with Hest			
Gray	Daniel David (Labour Party)	273	
Hankin	Barry Gwyn (Green Party)	295	
Rogerson	Sylvia (Conservative Party)	1061	Elected
Thomas	Malcolm (Conservative Party)	1050	Elected
2003 Turnout: 38%		2007 Turnout: 44%	

Torrisholme			
Clift	Ian (Liberal Democrats)	595	
Day	John (Liberal Democrats)	894	Elected
Dennison	Roger (Morecambe Bay Independents)	709	Elected
Espley	Peter (Conservative Party)	595	
Marsland	Geoff (Morecambe Bay Independents)	657	Elected
Mason	Dave (Liberal Democrats)	487	
Mingins	Dorothy (Conservative Party)	606	
Peake	Marvin (Green Party)	225	
Rollins	Richard (Conservative Party)	572	
Senior	Peter (Labour Party)	349	
Sowerby	Joe (Morecambe Bay Independents)	645	
2003 Turnout: 35%		2007 Turnout: 40%	

University			
Barrass	Gavin (Liberal Democrats)	106	
Bate	Ryan (Liberal Democrats)	111	
Bonner	David Jonathan (Conservative Party)	86	
Groves	James Stuart (Labour Party)	82	
Law	Alex (Conservative Party)	97	
McCulloch	Ian David (Green Party)	173	Elected
Potts	William Taylor Windle (UK Independence Party)	11	
Smith	Cat (Labour Party)	98	
Trolinger	Morgwn (Green Party)	151	Elected
2003 Turnout: 18%		2007 Turnout: 13%	

Upper Lune Valley			
Renolds	Gisela Christine (Green Party)	210	
Williamson	Peter Thomas (Conservative Party)	776	Elected
2003 Turnout: 51%		2007 Turnout: 52%	

Warton			
Dent	Jean (Independent)	443	Elected
Johnson	Andrea (Conservative Party)	301	
2003 Turnout: 31%		2007 Turnout: 39%	

Westgate			
Jones	Tony (Conservative Party)	272	
Kerr	David (Morecambe Bay Independents)	656	Elected
Leadbetter	Chris (Conservative Party)	263	
Plumb	Roger (Morecambe Bay Independents)	612	Elected
Race	Julie (Conservative Party)	292	
Ratcliffe	Dan (Labour Party)	394	
Riley	Margaret (Liberal Democrats)	229	
Riley	William Edward (Liberal Democrats)	205	
Singleton	Ben (Labour Party)	390	
Thornton	Albert Hayden (Labour Party)	409	
Wade	Tony (Morecambe Bay Independents)	628	Elected
2003 Turnout: 24%		2007 Turnout: 30%	

This page is intentionally left blank

LANCASTER CITY COUNCIL SENIORITY OF MEMBERS

	<u>COUNCILLOR</u>	<u>DATE OF ELECTION</u>
1	Abbott Bryning	May 1967
2	Joyce Taylor	May 1976
3	Shirley Burns	September 1978
4	M. Eileen Blamire	May 1987
5	John Gilbert	March 1986 - May 1995 & May 1999
6	Charles Grattan	February 1993
7	R. John Day	July 1993
8	Janie Kirkman	May 1991 - May 1995 & May 1999
9	Geoff Knight	May 1995
10	Helen Helme	May 1995
11	Keith Budden	May 1995
12	Roger Sherlock	May 1995
13	Tony Wade	May 1995
14	Paul Woodruff	May 1995
15	Sheila Denwood	May 1995
16	Peter Robinson	October 1997
17	Evelyn Archer	May 1991 - May 1995 & May 2003
18	Janice Hanson	May 1995 - May 1999 & May 2003
19	June Ashworth	May 1991 – May 1995 & May 1999 – May 2003 & 03 May 2007
20	Joyce Pritchard	May 1999
21	Emily Heath	May 1999
22	Susie Charles	May 1999
23	Sarah Fishwick	May 1999
24	Jon Barry	May 1999
25	David Kerr	May 1999
26	Mike Greenall	May 1999
27	Robert Redfern	May 1999
28	J. Roger Mace	May 1999
29	Andrew Kay	May 1995 – May 1999 & 03 May 2007
30	Christopher Coates	May 2003
31	Rebekah Gerrard	May 2003
32	Jean Dent	May 2003
33	Catriona Stamp	May 2003
34	Stuart Langhorn	May 2003
35	James Thomas	May 2003
36	Susan Bray	May 2003
37	Anne Chapman	May 2003
38	Anthony Johnson	May 2003
39	John Whitelegg	May 2003
40	Sylvia Rogerson	May 2003
41	Tina Clifford	May 2003
42	Ronald Sands	May 2003
43	Kenneth Brown	26 February 2004
44	James Blakely	8 December 2005
45	Robert Smith	22 June 2006
46	Karen Leytham	14 December 2006
47	Jane Fletcher	03 May 2007
48	Keith Sowden	03 May 2007
49	Ian McCulloch	03 May 2007
50	Robert Roe	03 May 2007
51	Roger Plumb	03 May 2007
52	Roger Dennison	03 May 2007
53	John Barnes	03 May 2007
54	Geoff Marsland	03 May 2007
55	Maia Whitelegg	03 May 2007
56	Jude Towers	03 May 2007
57	Keran Farrow	03 May 2007
58	Morgwn Trolinger	03 May 2007
59	Peter Williamson	03 May 2007
60	Val Histed	03 May 2007

This page is intentionally left blank

LANCASTER CITY COUNCIL**GROUP MEMBERSHIP**

INDEPENDENTS	LABOUR	CONSERVATIVE	GREEN	LIBERAL DEMOCRAT	OTHER INDEPENDENT
ARCHER, Evelyn	BLAKELY, Jim	BRAY, Susan	BARRY, Jon	DAY, John	WOODRUFF, Paul
ASHWORTH, June	BLAMIRE, Eileen	BROWN, Ken	CHAPMAN, Anne	GILBERT, John	1
BARNES, John	BRYNING, Abbott	CHARLES, Susie	COATES, Christopher	KIRKMAN, Janie	
BUDDEN, Keith	CLIFFORD, Tina	FISHWICK, Sarah	FLETCHER, Jane	LANGHORN, Stuart	
BURNS, Shirley	DENWOOD, Sheila	HELME, Helen	KAY, Andrew	PRITCHARD, Joyce	
DENNISON, Roger	GERRARD, Rebekah	HISTED, Val	HEATH, Emily	5	
DENT, Jean	GRATTAN, Charles	JOHNSON, Anthony	McCULLOCH, Ian,		
FARROW, Keran	HANSON, Janice	MACE, Roger	STAMP, Catriona		
GREENALL, Mike	LEYTHAM, Karen	ROGERSON, Sylvia	TROLINGER, Morgwn		
KERR, David	REDFERN, Robert	SOWDEN, Keith	TOWERS, Jude		
KNIGHT, Geoff	ROBINSON, Peter	THOMAS, Malcolm	WHITELEGG, John		
MARSLAND, Geoff	SANDS, Ronald	WILLIAMSON, Peter	WHITELEGG, Maia		
PLUMB, Roger	SHERLOCK, Roger	12	12		
ROE, Bob	SMITH, Robert				
TAYLOR, Joyce	14				
WADE, Tony					

16

This page is intentionally left blank

COUNCIL**Allocation of Seats to Political Groups
21st May 2007****Report of Chief Executive****PURPOSE OF REPORT**

To advise Council of the calculations relating to the allocation of seats following the City Council Elections on 3rd May 2007, in accordance with the Local Government and Housing Act 1989 and the Council's agreed protocol.

This report is public

RECOMMENDATIONS

- (1) That consideration be given to the confirmation of the constitution of the following Committees which are not required to be subject to the political balance requirements of the Local Government and Housing Act 1989:
 - Standards Committee
 - Licensing Act Committee
- (2) That in undertaking the PR calculations on the Council's Cabinet and Committees the Council's agreed protocol be confirmed, utilising the following groupings:
 - Cabinet (if PR agreed) (1 x 10)
 - Overview and Scrutiny (2 x 9)
 - Regulatory and timetabled Committees of Council (1 x 20 (Planning), 1 x 15 (Licensing Act)(subject to decision in (1) above) and 3 x 7 (Personnel, Audit and Licensing Regulatory)
 - Remaining Standing and Joint Committees to be calculated separately and individually.
- (3) That pursuant to Section 15 of the Local Government and Housing Act, 1989, the City Council allocates the seats on Overview & Scrutiny, Regulatory, Standing and Joint Committees in accordance with the calculations set out in paragraph 5 of the report.
- (4) That should Council establish a Cabinet on a PR basis the seats be allocated as set out in paragraph 5.2 of the report.

- (5) That Council notes that the allocation of seats referred to in (3) and (4) above is subject to review from time to time in accordance with Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations, 1990.

1.0 Introduction

- 1.1 In accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, it is open to the Council to devise a scheme for ensuring political balance on the different bodies of the Council.
- 1.2 In effect this means that there is a choice between undertaking the PR calculation separately for each Committee or combining the numbers on 2 or more Committees in the calculation to ensure a political balance across a group of Committees.

2.0 Background

- 2.1 At its meeting on 11th May 2006 Council agreed the following protocol and groupings for the calculation of proportional representation (PR) on the Council's Cabinet, Overview & Scrutiny and Committees:
- (i) the calculation be undertaken using 4 decimal places;
 - (ii) the allocation of a final seat to a Group with the same residual be to the largest under-represented Group provided that this does not result in the largest over-representation; and
 - (iii) In the event that the foregoing rules do not resolve the situation, either because of a tie, or because the allocation would result in the largest over-representation, the seat be allocated by drawing lots under the supervision of the Mayor.
 - (iv) the calculation should be undertaken in relation to the following groupings:
 - Cabinet (if PR agreed) (1 x 10)
 - Overview and Scrutiny (2 x 9)
 - Regulatory and other timetabled Committees (1 x 20(Planning), 1 x 15 (Licensing Act) and 3 x 7(Personnel, Audit and Licensing Regulatory))
 - Remaining Standing and Joint Committees to be calculated separately and individually.

3.0 Licensing Act Committee

- 3.1 The City Council has established a Licensing Act Committee of 15 members under the Licensing Act 2003. Having been established under the Licensing Act rather than the Local Government Act 1972 this Committee is not required to be subject to the political balance regulations. However this Council has previously agreed that the Licensing Act Committee should be established on a PR basis and included in the Grouping calculations.
- 3.2 Council is therefore requested to confirm the continuation of this arrangement following the Elections or to re-establish the Committee in some other form. It should be noted that the Sub-committees which undertake the Licensing Act Hearings comprise 3 Members of the Licensing Act and are not subject to PR restrictions.

4.0 Standards Committee

4.1 Standards Committees are established under the Local Government Act 2000 and are also not subject to the political balance regulations. This is to allow Standards Committees to be seen as above party politics and comprised of representatives that command the support of the whole authority regardless of political loyalties. The Standards Board for England believes that Standards Committees should be constituted to ensure that no one political group dominates.

4.2 In an Authority such as the City Council at the present time where there is no overall control however the use of PR ensures that this is the case. It is however for the Council to decide following the Elections whether it wishes to confirm the current establishment on a PR basis, but as a stand alone committee, not included in the Grouping arrangements.

5.0 Calculations

5.1 Compilation of the Council

Independents	16
Labour	14
Conservatives	12
Greens	12
Liberal Democrats	5
Non-aligned Independent	<u>1</u>
	60

5.2 Cabinet (if PR Basis) - 10 Members

I:	16	(x 10/60)	=	2.6666	=	3
L:	14	(x 10/60)	=	2.3333	=	2
C:	12	(x 10/60)	=	2	=	2
G:	12	(x 10/60)	=	2	=	2
LD:	5	(x 10/60)	=	0.8333	=	1
FI:	1	(x 10/60)	=	0.1666	=	<u>0</u>
						10

5.3 Overview & Scrutiny

5.3.1 The PR Calculation for a single 9 Member Committee is as follows:

I:	16	(x 9/60)	=	2.4	=	2
L:	14	(x 9/60)	=	2.1	=	2
C:	12	(x 9/60)	=	1.8	=	2
G:	12	(x 9/60)	=	1.8	=	2
LD:	5	(x 9/60)	=	0.75	=	1
FI:	1	(x 9/60)	=	0.15	=	<u>0</u>
						9

5.3.2 Total number of seats allocated per group:

2 x 9 Members = 18 (:- 60) = 0.3 seats per Member

I:	16	x 0.3	=	4.8	=	5
L:	14	x 0.3	=	4.2	=	4
C:	12	x 0.3	=	3.6	=	4
G:	12	x 0.3	=	3.6	=	4
LD:	5	x 0.3	=	1.5	=	1
FI:	1	x 0.3	=	0.3	=	<u>0</u>
						18

5.3.3 Adjustments required:

Liberal Democrats owe 1 seat on either the Overview & Scrutiny Committee or the Budget and Performance Panel to the Independent Group

5.4 Regulatory and Standing Committees of Council Grouping

5.4.1 The PR Calculation for individual 20 Member (Planning & Highways Regulatory), 15 Member (Licensing Act) and 7 Member (Licensing Regulatory, Personnel and Audit) Committees is as follows:

i) 20 Member

I:	16	(x 20/60)	=	5.3333	=	5
L:	14	(x 20/60)	=	4.6666	=	5
C:	12	(x 20/60)	=	4	=	4
G:	12	(x 20/60)	=	4	=	4
LD:	5	(x 20/60)	=	1.6666	=	2
FI:	1	(x 20/60)	=	0.3333	=	<u>0</u>
						20

i) 15 Member

I:	16	(x 15/60)	=	4	=	4
L:	14	(x 15/60)	=	3.2666	=	4
C:	12	(x 15/60)	=	3	=	3
G:	12	(x 15/60)	=	3	=	3
LD:	5	(x 15/60)	=	1.25	=	1
FI:	1	(x 15/60)	=	0.25	=	<u>0</u>
						15

iii) 7 Member (x 3)

I:	16	(x 7/60)	=	1.8666	=	2
L:	14	(x 7/60)	=	1.6333	=	2
C:	12	(x 7/60)	=	1.4	=	1
G:	12	(x 7/60)	=	1.4	=	1
LD:	5	(x 7/60)	=	0.5833	=	1
FI:	1	(x 7/60)	=	0.1166	=	<u>0</u>
						7

5.4.3 Total seats to be allocated per Group

$$20 + 15 + 7 + 7 + 7 = 56 \text{ (-: - 60) } = 0.93333 \text{ seats per member}$$

I:	16	x 0.9333	=	14.9328	=	15
L:	14	x 0.9333	=	13.0662	=	13
C:	12	x 0.9333	=	11.1996	=	11
G:	12	x 0.9333	=	11.1996	=	11
LD:	5	x 0.9333	=	4.6665	=	5
FI:	1	x 0.9333	=	0.9333	=	<u>1</u>
						<u>56</u>

5.4.4 Adjustments required:

- Labour lose 2 seats
- Liberal democrat lose 1 seat
- Conservatives gain 1 seat
- Green gain 1 seat
- Non aligned independent gains 1 seat

5.5 Other Standing Committees

5.5.1 Remaining Standing Committees currently constituted with a PR of 7 are the Appeals, Appraisal, Council Business and Standards Committees. The PR calculation for these is 2:2:1:1:1.

5.5.2 The Local Governance Committee is a time limited Committee established with a membership of 9. The PR for this remains is 2:2:2:2:1.

5.7 Joint Committees

5.5.1 Council has established the Lancashire Locals – Lancaster District Joint Committee jointly with the County Council on a PR of 10. The calculation is as follows:

I:	16	(x 10/60)	=	2.6666	=	3
L:	14	(x 10/60)	=	2.3333	=	2
C:	12	(x 10/60)	=	2	=	2
G:	12	(x 10/60)	=	2	=	2
LD:	5	(x 10/60)	=	0.8333	=	1
FI:	1	(x 10/60)	=	0.1666	=	<u>0</u>
						<u>10</u>

6.0 Conclusion

6.1 Members are requested to approve the calculations, in order to enable appointments to be made to Cabinet (subject to approval as PR), Overview & Scrutiny and Committees of Council as set out in the remainder of the Agenda.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

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

FINANCIAL IMPLICATIONS

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

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

This report has been prepared in accordance with the provisions of Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations 1990.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Proportional Representation calculation file.
Affiliation to Political Groups file.

Contact Officer: Gillian Noall
Telephone: 01524 582060
E-mail: gnoall@lancaster.gov.uk

P.R. LIST

		Indep.	Labour	Cons	Green	Lib Dems
1	=	1	0	0	0	0
2	=	1	1	0	0	0
3	=	1	1	0*	1*	0
4	=	1	1	1	1	0
5	=	1	1	1	1	1
6	=	2	1	1	1	1
7	=	2	2	1	1	1
8	=	2	2	2*	1*	1
9	=	2	2	2	2	1
10	=	3	2	2	2	1
11	=	3	3	2	2	1
12	=	3	3	3*	2*	1
13	=	3	3	3	3	1
14	=	4	3	3	3	1
15	=	4	4	3	3	1
16	=	4	4	3	3	2
17	=	5	4	3	3	2
18	=	5	4	4	4	1
19	=	5	4	4	4	2
20	=	5	5	4	4	2

* allocation of place determined by lot drawn under the supervision of the Mayor

Independent	16
Labour	14
Conservative	12
Green	12
Liberal Democrats	5
Non-aligned Free Independent	1
TOTAL	60

This page is intentionally left blank

COUNCIL

**Appointments to Outside Bodies,
Partnerships and Boards
21st May 2007**

Report of Chief Executive

PURPOSE OF REPORT

To consider those Outside Bodies, Partnerships and Boards on which appointments are required.

This report is public

RECOMMENDATIONS

- (1) That Council confirms the basis on which appointment to outside bodies are made as set out in Appendix A or makes amendments as required.**
- (2) That all new appointments made in accordance with the attached schedule be made for a term of office of four years to expire at the City Council Elections to be held in May 2011.**

1.0 Introduction

- 1.1 In May 2003 Council agreed new appointments to all outside bodies and partnerships for a four year period following the elections.
- 1.2 In October 2003 it was further agreed that in future Council would merely approve the basis on which all appointment should be made. Where an appointment is made on the basis of PR, the appointing Groups may notify the Head of Democratic Services in writing of their appointment without the need for further Council approval. Cabinet or other Committee representatives are referred to the relevant body for appointment.

2.0 Proposal

- 2.1 Attached at Appendix A is a list of all organisations to which Council has made an appointment and the basis on which these appointments have been made in accordance with previous Council decisions.
- 2.2 Council is requested to reaffirm the basis of these appointments or to put forward any suggested changes.

2.3 Nominations for PR appointments will be requested from Group Administrators for submission in writing to the Head of Democratic Services following the meeting. Appointments to be made by Cabinet or other Committees will be referred directly to the relevant body.

3.0 Options

3.1 Council has the option of making appointments in accordance with proportional representation or by virtue of a councillor's role within the Council, eg. a Member of Cabinet or other Committee or a relevant Ward Councillor.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

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

FINANCIAL IMPLICATIONS

Members of outside bodies are entitled to travel expenses, which are currently being funded from within existing budgets.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Representation on Outside Bodies File.

Contact Officer: Gillian Noall

Telephone: 01524 582060

E-mail: gnoall@lancaster.gov.uk

APPENDIX A

APPOINTMENTS TO OUTSIDE BODIES, PARTNERSHIPS AND BOARDS

SCHEDULE OF BASIS OF APPOINTMENTS MADE

APPOINTMENTS ON PR

(The number in brackets denotes the number of representatives on each organisation).

Age Concern, Lancaster (3)
Age Concern, Morecambe and Heysham (3)
Board of Trustees of Skerton Charities (4)
Board of Trustees of the Lancaster Charity (6)
Budgie Bikes of Lancaster Steering Committee (1)
Carnforth Station and Railway Trust Company Limited (1)
Citizens Advice Bureau, Lancaster (3)
Citizens Advice Bureau, Morecambe and Heysham (3)
Community Legal Services Partnership (1 + 1 sub)
Court of the University of Central Lancashire (1)
Court of the University of Lancaster (5)
Court of the University of Manchester (1)
District Youth and Community Service Advisory Committee (2)
Dukes Playhouse Board of Directors (4)
East Lancashire Partnership Board (1)
Folly Board of Trustees (1)
George Fox School Educational Charity (1)
Governing Body – Adult College, Lancaster (2)
Heysham Nuclear Power Station Local Community Liaison Council (9)
Heysham Youth and Community Centre Management Committee (1)
Lancashire Valuation Tribunal (4)
Lancaster and District Multi-Agency Forum on Domestic Violence (1)
Lancaster District CVS (1)
Lancaster International Twinning Society (3)
Lancaster Police and Community Forum (5)
Lancaster Ripley Church of England Education Trust (2)
Lancaster University Council (1)
Leeds-Morecambe and Settle-Carlisle Railway Development (1)
LGA Urban Commission (2)
Lune Park Children's Centre (1)
Lune Valley Transport Enterprise (2)
North West Home Safety Council (2)
North West Tourist Board (1)
Preston and Western Lancashire Racial Equality Council (1)
Relate Lancashire – Lancaster District (1)
Reserve Forces and Cadets Association for the N. West of England and the Isle of Man (1)
Riverview Day Centre, Lancaster Board (1)
Thorpe View Day Centre, Morecambe (1)
West Coast Rail 250 (1)
Williamson Park Limited Board of Directors (5)

APPOINTMENTS MADE BY CABINET

50Forward Link Age Board (Cabinet Member appointed to Older Persons Partnership Board)
 Arnsdale and Silverdale AONB Unit Arnsdale and Silverdale AONB (Forum, Countryside
 Management Service and Limestone Heritage Project)
 British Resorts Association
 Community Safety Strategy Group Executive Member (One of Cabinet Members appointed
 to Community Safety Strategy Group)
 English Historic Towns Forum
 Forest of Bowland AONB Advisory Committee
 Governing Body – Lancaster and Morecambe College Corporation
 Groundwork Trust, Lancashire West
 Lancashire Economic Partnership
 Lancashire Leaders Meeting (Leader)
 Lancashire Police Authority – Partnerships Forum
 Lancashire Rural Partnership
 Lancashire Tourism Partnership
 Lancaster and District YMCA Management Board
 Lancaster and Skipton Rail User Group
 Lancaster Canal Restoration Partnership (formerly Northern Reaches SG)
 Lancaster Local Strategic Partnership (Leader and Cabinet Member, one of whom serves on
 the Executive)
 LGA Coastal Issues Special Interest Group
 LGA Tourism Forum
 Morecambe Bay Partnership
 Morecambe Bay Tobacco Control Alliance
 North and West Lancashire Priority 1 Action Plan Partnership Board
 North West Regional Assembly (Leader)
 Storey Centre for Creative Industries
 Tern Project Working Group
 Waste Management Strategy Steering Group
 Winning Back the West End Steering Group

APPOINTMENTS HELD BY WARD COUNCILLORS

Organisation	Ward (All Ward Councillors unless other wise stated)
Alfa Aesar (formerly Avocado Chemicals Liaison Group)	Heysham South and Overton
Barton Road Youth and Community Centre Community Association	2 representatives drawn from the Scotforth East, Scotforth West and John O'Gaunt Wards
Carnforth Area Regeneration Partnership	Ward Councillors Carnforth and Warton
Friendship Centre Management Committee	1 Ward Councillor from Dukes Ward
Heysham Mossgate (Community Facilities) Company Limited	1 representative from the Heysham South Ward
Marsh Community Centre Management Committee	Castle
Morecambe Healthy Living Centre	Morecambe Central
Poulton Neighbourhood Management Board	Poulton
West End Partnership Management Committee	Heysham North and Harbour

MISCELLANEOUS APPOINTMENTS

Organisation	Basis of appointment
Adult Social Care and Health Overview and Scrutiny Committee	1 representative from Overview and Scrutiny Committee
Community Safety Strategy Group	Cabinet Members for Community Safety and Rural Affairs and Overview & Scrutiny Committee Member
Crook O'Lune Advisory Committee	1 representative of each of the Halton and Lower Lune Valley Wards and 1 representative of the Planning Committee
Homelessness Forum	1 representative from Overview and Scrutiny Committee
Lancaster & District Vision Board	Cabinet Member and 1 Member appointed by Overview & Scrutiny
Lancaster and Morecambe Fairtrade District Steering Group	1 representative from Overview and Scrutiny Committee
Lancaster Regeneration Partnership	Cabinet Member for Regeneration plus 3 representatives on PR drawn from the Wards of Skerton East, Skerton West, Castle, Dukes, John O'Gaunt, Bulk, Heysham South and Overton
LGA Rural Commission	Cabinet Member for Rural Affairs plus one on rotation (Conservative Group appointed for 2006/07)
LSP Children and Young People Group	Cabinet Member and Overview & Scrutiny Committee Member
LSP Equality and Diversity Building Block	Cabinet Member and Overview & Scrutiny Committee Member
LSP Health and Wellbeing Group	Cabinet Member and Overview & Scrutiny Committee Member
LSP North West Lancs Lifelong Learning Partnership Group	Cabinet Member and Overview & Scrutiny Committee Member
LSP Regeneration Building Block	Cabinet Member and Overview & Scrutiny Committee Member
LSP Sustainability Partnership	Cabinet Member and Overview & Scrutiny Committee Member
Museums Advisory Panel	Cabinet Member plus one representative from Overview and Scrutiny Committee
North West Local Authority Employers' Organisation	Chair of Personnel Committee (Vice Chair of Personnel Committee as substitute)
Older People's Partnership Board	Cabinet Member and Overview and Scrutiny Member

This page is intentionally left blank

COUNCIL

ADOPTION OF NEW CODE OF CONDUCT 21st May 2007

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable the Council to adopt the Government's revised Model Code of Conduct in place of the existing Code.

This report is public

RECOMMENDATIONS

- (1) That Council adopt the Model Code of Conduct contained in Statutory Instrument No. 1159 of 2007, as appended to this report, in place of its existing Code of Conduct.**
- (2) That a Preamble to the Code, as appended to this report, continue to be included in the Constitution**
- (3) That the Monitoring Officer be authorised to amend the Constitution accordingly, and to advertise the adoption of the Code in accordance with the statutory requirements.**

1.0 Introduction

- 1.1 Under Section 50 of the Local Government Act 2000, the Secretary of State may by order issue a model code as regards the conduct that is expected of members and co-opted members of relevant local authorities in England. This includes the power to revise any such model code of conduct which has previously been issued. Within six months of the making of such an order, a Council must pass a resolution adopting the code of conduct in place of its existing Code. This must incorporate any mandatory provisions of the model code of conduct, and may include any other provisions which are consistent with the model code.
- 1.2 The first Code of Conduct under this regime was adopted by the Council on the 13th February 2002, in accordance with the Model issued in 2001. For several years, the government, in consultation with the Standards Board for England, has been considering amendments to the model code in the light of experience since its introduction. There have been a number of consultation exercises, culminating in the

making on the 2nd April 2007 of an Order (SI 1159 of 2007) which sets out a new model Code of Conduct.

- 1.3 The Council is therefore required by law to pass a resolution by the 2nd October 2007 adopting a code of conduct in place of its existing Code. The firm advice of the Standards Board is that Councils should adopt the Code as set out in the Order and should not include any other provisions. This is to ensure consistency within local government.
- 1.4 Councils are, however, advised to add the statutory principles of good conduct on which the Model Code is based as a preface or appendix to the local code to enable Members to relate the contents of the code to the principles. These principles are not and cannot lawfully be a part of the code. They are aspirations rather than enforceable requirements. The Council's Preamble to the existing Code already sets out these principles in this way.

2.0 Proposal Details

- 2.1 It is proposed that the Council should adopt the new model Code of Conduct at this meeting. This will mean that, after this meeting, Members will not need to concern themselves with the old Code, and that the training sessions over the next few weeks will be able to deal solely with the new Code. It is felt that it would not be helpful to delay adopting the Code, as it would then be necessary to train new members in both the old and the new Code, which would be unnecessarily confusing and a waste of resources.
- 2.2 The terms of reference of the Council's Standards Committee include advising the Council on the adoption or revision of the Code of Conduct. The Standards Committee has responded to the various consultations on the new Code of Conduct, and would normally make recommendations to Council on the adoption of a new Code. However, at its meeting in February 2007, before the new Code had been published, the Committee expressed concern that any delay in adopting the Code might lead to a duplication of training. The independent Chairman of the Standards Committee and the two other independent members have all indicated that they support the adoption of the new Code at this meeting, notwithstanding the terms of reference of the Standards Committee.
- 2.3 For Members' information, the main changes to the Code are as follows:
 - Simplifying and clarifying the drafting of the Code, including making the language in which it is written gender-neutral;
 - Providing that the code of conduct will apply to members' conduct in their private capacity where such conduct has resulted in a criminal convictions;
 - Amending the rules relating to personal interests, so that a member only has a personal interest where his interest is greater than that of the majority of people in the ward affected by the matter, rather than merely greater than the interest or other people in the Council's area.
 - Amending the rules relating to prejudicial interests, so that there is no prejudicial interest where the matter does not affect financial position or the grant of a consent or licence or similar.
 - Allowing members with a prejudicial interest to speak at a council meeting providing this is to solely to allow them to make representations, answer questions or give evidence, but not to vote, and provided other members of the public would be similarly entitled. (Members must withdraw from the room after making any such representations).

- 2.4 The new Model Code is attached at Appendix A. In accordance with advice from the Standards Board, paragraphs relating to parish councils, police authorities and the Greater London Authority, and therefore not applicable to this Council, have been deleted. In every other way, Appendix A follows the wording in the Statutory Instrument. It is recommended that the Council adopts this as its Code of Conduct.
- 2.5 Attached at Appendix B is the proposed Preamble to the Code. This is the same as the Council's Preamble to the old Code, but slightly updated to take account of the date of the new Model Order. It is recommended that this document too is adopted.
- 2.6 The two documents would then form part of the Council's Constitution. There is a statutory requirement for the Council to publish a notice in a local newspaper stating that the Code of Conduct has been adopted, and to make the Code available for public inspection.

3.0 Details of Consultation

- 3.1 The Government consulted on the new Code of Conduct, and the Council's Standards Committee responded to that consultation on the Council's behalf.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The Council is required to adopt the mandatory provisions of the Model Code by the 2nd October 2007. Whilst the Council could delay adopting the Code, the advice from the Standards Board for England is that Councils should adopt the new Model as soon as possible, and it is the view of officers, supported by the independent members of the Council's Standards Committee, that the Model Code should be adopted at this meeting, so that the forthcoming member training may be based on the new rather than the old Code of Conduct.
- 4.2 Whilst Councils may add to the mandatory provisions of the Code, the advice of the Standards Board is that, in the interests of consistency, they should not do so.
- 4.3 The preferred option therefore is for the Council to adopt the Model Code at this meeting.

5.0 Conclusion

- 5.1 Council is recommended to adopt the new Model Code in place of its existing Code of Conduct, together with the Preamble.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p>

<p>Not applicable to this report.</p>

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report save the cost of the public notice, which is statutory. The cost of such notice can be met from the existing corporate advertising budget.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments to add.

LEGAL IMPLICATIONS

The recommendations follow the requirements of the Local Government Act 2000.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer, who has statutory responsibilities with regard to Code of Conduct issues.

BACKGROUND PAPERS

None

Contact Officer: Mrs. S. Taylor

Telephone: 01524 582025

E-mail: STaylor@lancaster.gov.uk

Ref:

LANCASTER CITY COUNCIL

CODE OF CONDUCT

Part 1 General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—

"meeting" means any meeting of—

- (a) the authority;
- (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 and an appointed member.

Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are

convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

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

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

General obligations

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

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

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

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

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

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

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

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

6. You—

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

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

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

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

(b) your authority's monitoring officer,

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

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

Part 2 Interests

Personal interests

8. —(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

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

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

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

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

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

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

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

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 the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

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

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial 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), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

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

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (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.

Part 3

Registration of Members' Interests

Registration of members' interests

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

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

This page is intentionally left blank

Part 5, Section 2

– Members’ Code of Conduct

PREAMBLE TO THE CODE OF CONDUCT

This Preamble provides an explanatory introduction to the Members’ Code of Conduct. It does not form part of the Code of Conduct, and in the event of any conflict between the Preamble and the Code, the Code shall take precedence. It should be noted that only the Code of Conduct itself is enforceable by the Standards Board for England.

Introduction

Members hold office by virtue of the law, and must at all times act within the law. They should make sure that they are aware of the Code of Conduct and other Protocols contained within the Council’s Constitution.

Members have a responsibility to ensure that they comply with the Code of Conduct in all respects. They should regularly review their personal circumstances and intended actions in the context of the Code.

If in doubt, Members should seek advice from the Monitoring Officer or Deputy Monitoring Officer, but the final decision and responsibility on how to act rests with Members themselves.

Members should not do anything in their capacity as councillors, which they could not justify to the public or could not justify by law. Members’ conduct and what the public believe about their conduct will affect the reputation and credibility of Members and the Council as a whole.

It is not enough to avoid impropriety; perception is also important. Members should at all times avoid any occasion for suspicion and any appearance of improper conduct.

General Principles Governing Conduct

The Council has adopted the Government’s Model Code of Conduct, which came into force on the 3rd May 2007.

The Local Government Act 2000 requires that the Model Code of Conduct must be consistent with the Principles for the time being specified by the Secretary of State for governing the conduct of Members. The current Principles were specified in the Local Authorities (General Principles) Order 2001, and are as follows:

Selflessness

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

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

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

Whilst these Principles provide a useful background to the Code of Conduct, it should be noted that one Principle should not be construed as being any more important than another. The Standards Board for England has also emphasised that no duty arises directly out of any Principle. The only duties are those enshrined in the Code of Conduct, and only those duties are enforceable by the Standards Board for England.