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Simon W. Baker B.Ed MBA MISPAL
Chief Executive

STANDARDS COMMITTEE AGENDA

Date: Friday, 19 July 2019

Time: 10.00 am

Venue: The Dove Room, Moorlands House, Stockwell Street, Leek

11 July 2019

PART 1

1. Apologies for absence, if any.
2. Urgent items of business, if any (24 hours notice to be provided to the Chairman).
3. To approve as a correct record the Minutes of the previous meeting. **(Pages 3 - 4)**
4. Declarations of interest, if any:
 - Disclosable Pecuniary Interest;
 - Other interests.
5. Code of Conduct - Dispensations **(Pages 5 - 8)**
6. Committee on Standards in Public Life - Ethical Standards Review **(Pages 9 - 22)**
7. Exclusion of the Press and Public

The Chair to move:-

"That pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or nature of the proceedings whereby it is likely that exempt information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the paragraphs indicated."

8. To approve as a correct record the Exempt Minutes of the previous meeting. **(Pages 23 - 24)**
9. Complaints Monitoring Report **(Pages 25 - 28)**

SIMON BAKER
CHIEF EXECUTIVE

Membership of Standards Committee (SMDC)

Councillor G Bond (Chair)

Councillor J Aberley

Councillor K J Jackson

Councillor K Martin

Councillor P Wilkinson

Councillor B A Hughes

Councillor B Emery (Vice-Chair)

Councillor I Herdman

Councillor B Johnson

Councillor P Taylor

D Fowler

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

STANDARDS COMMITTEE MEETING

Minutes

FRIDAY, 22 MARCH 2019

PRESENT: Councillor Hall (Vice-Chair, in the Chair)

Councillors G Bond, B Emery, D Fowler, T Hall, I Herdman,
J T Jones, I Lawson and P Wilkinson

IN ATTENDANCE: M Trillo Executive Director (People) and Monitoring
Officer
L Vernon Senior Officer (Governance and Member
Support)
Mr H Mawdsley Independent Person
Cllr D Fowler Parish Representative
Cllr B Cawley

APOLOGIES: Councillors A Banks, K Jackson and Councillor BHughes

36 **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE
PREVIOUS MEETING.**

RESOLVED:

That the Minutes of the Meeting held on 16 November 2018 be approved
as a correct record and signed by the Chair.

37 **DECLARATIONS OF INTEREST, IF ANY:**

There were no declarations of interest were made.

38 **ANNUAL REVIEW OF COUNCILLOR DEVELOPMENT**

Members considered a report that provides a review of councillor development
events for the previous 12 months. Positive feedback was received with regards to
the data protection seminar offered to district and parish councillors. It was reported
that a number of case studies would be produced for the Code of Conduct Seminar
to illustrate the 7 principles of public life.

RESOLVED:

That the report be noted.

39 **LOCAL GOVERNMENT ETHICAL STANDARDS CONSULTATION**

The report informed the Committee about the outcome of the Local Government
Ethical Standards Review. Members discussed the implications of using social
media, the ability for councillors to comment on matters in a private capacity and the
need to strike a balance between the protection of a national code that also took

Standards Committee (SMDC)- 22 March 2019

into account local issues. The committee also debated the declaration of other interests.

RESOLVED:

That the content of the report be noted.

40 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That, pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or the nature of the proceedings whereby it is likely that confidential information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100 I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the Paragraphs indicated.

41 **TO APPROVE AS A CORRECT RECORD THE EXEMPT MINUTES OF THE PREVIOUS MEETING.**

RESOLVED:

That the Exempt Minutes of the Meeting held on 16 November 2018 be approved as a correct record and signed by the Chair.

42 **STANDARDS COMPLAINTS MONITORING REPORT.**

Members noted the contents of a report regarding complaints made under the Code of Conduct.

The meeting closed at 10.40 am

_____Chairman _____Date

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Standards Committee

19 July 2019

TITLE:	Code of Conduct - Dispensations
PORTFOLIO HOLDER:	Councillor Ralphs - Council Leader
CONTACT OFFICER:	Linden Vernon - Senior Officer (Governance and Member Support)
WARDS INVOLVED:	Non-Specific

1. Reason for the Report

- 1.1 To consider the grant of dispensations to councillors in the circumstances described within the report for a four year period.

2. Recommendation

- 2.1 That general dispensations be granted to all councillors, under Section 33 (2) of the Localism Act 2011, in respect of the circumstances outlined in paragraphs 6.4 and 6.7 of the report, for a period of four years.

3. Executive Summary

- 3.1 Section 33 of the Localism Act made provision for the circumstances where dispensations may be granted. The power to grant dispensations has been delegated by Council to the Standards Committee, in consultation with the Independent Person.
- 3.2 Previously, under the old Code of Conduct, general exemptions were provided to all councillors with regard to prejudicial interests in any business of the authority where that business related to certain functions of the authority.
- 3.3 The arrangements introduced by the Localism Act 2011 did not reproduce these exemptions and as a result councillors could effectively breach the Code of Conduct should they take part in a meeting where any of these matters were being discussed and they have a disclosable pecuniary interest in the matter. The Standards Committee has therefore previously granted dispensations as detailed in paragraphs 6.4 and 6.7 of this report for a period

of four years. It is recommended that these dispensations be granted for a further four years.

4. **How this report links to Corporate Priorities**

4.1 Not applicable.

5. **Alternative Options**

5.1 That the Committee grants the dispensations as detailed in section 6 of the report. (recommended).

5.2 That the Committee does not grant the dispensations as detailed in section 6 of the report (not recommended).

Mark Trillo

Executive Director (People) and Monitoring Officer

**Web Links and
Background Papers**
Localism Act 2011

Contact details

Linden Vernon
Senior Officer (Governance and
Member Support)
linden.vernon@staffs Moorlands.gov.uk

6. **Detail**

6.1 The provisions on dispensations from councillors taking part in or voting on matters are contained within the Localism Act 2011.

6.2 The grounds for the grant of a dispensation under Section 33 (2) of the Act are as follows:

(a) Without the dispensation the number of members that would be prohibited from participating/voting would be so great that it would impede any particular transaction of business.

(b) Without the dispensation the strengths of political groups on the body would be so upset as to alter the likely outcome of any vote on the matter.

(c) The grant of the dispensation would be in the interests of the inhabitants of the authority's area.

- (d) Without the dispensation, every member of the Executive would have a Disclosable Pecuniary Interest prohibiting them from participating/voting.
 - (e) It is otherwise appropriate to grant the dispensation
- 6.3 Any grant of dispensation must specify how long it lasts for, up to a maximum of four years.
- 6.4 Previously, under the old Code of Conduct, general exemptions were provided to all councillors with regard to prejudicial interests in any business of the authority where that business related to functions of the authority in respect of:
- An allowance, payment or indemnity given to members.
 - Any ceremonial honour given to members.
 - Setting council tax or a precept under the Local Government Finance Act 1992 as amended from time to time or any superseding legislation.
 - Housing, where the councillor is a tenant of the authority provided that those functions do not relate particularly to the councillor's tenancy or lease.
- 6.5 The revised arrangements on interests introduced by the Localism Act 2011 did not reproduce these exemptions and as a result councillors could effectively breach the Code of Conduct should they take part in a meeting where any of these matters are being discussed and they have a disclosable pecuniary interest in the matter.
- 6.6 Where these circumstances arise it is prudent for a general dispensation be granted to apply to all councillors. The Council's Standards Committee has therefore previously granted dispensations as detailed in paragraph 6.4 of this report for a period of four years.
- 6.7 General dispensations were also granted on these terms for the following decisions which are also made by the Council as a result of changes in relevant legislation:
- Setting the local council tax support scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation.
 - Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation.
- 6.8 It is recommended that the general dispensations as given in paragraphs 6.4 and 6.7 of this report should therefore be granted for a four year period from the date that it is given.

6.9 The restrictions on councillors taking part in decisions where they are in arrears in Council Tax (Local Government Finance Act 1992, s106) cannot be dispensed with under the framework and remain in force.

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Standards Committee

19th July 2019

TITLE:	Committee on Standards in Public Life – Ethical Standards Review
PORTFOLIO:	Leader of the Council – Councillor Ralphs
OFFICER:	Executive Director (People) and Monitoring Officer
WARDS:	All

Appendices attached:

1. [The Committee on Standards in Public Life Report on Local Government Ethical Standards dated January 2019](#)
2. [The initial assessment criteria which is used by the Northern Ireland Local Government Commissioner for Standards in Public Life](#)
3. [Draft revised Code of Conduct](#)

1. Reason for the Report:

- 1.1. To inform Members about the best practice recommendations made by the Committee on Standards in Public Life after their recent review into ethical standards in local government and to request authority to adopt the recommendations into the Council's local ethical framework where appropriate.

2. Recommendation

- 2.1 That the Standards Committee notes the contents of the report and approves the adoption of the best practice recommendations into the Council's ethical standards framework where appropriate.
- 2.2 To RECOMMEND to Council that the revised Code of Conduct be approved as attached at Appendix 3.

- 2.3 That the initial assessment criteria attached at Appendix 2 be adopted for use under the Council's Arrangements for dealing with Standards Complaints under the Localism Act 2011.

3. **Executive Summary**

- 3.1 The Standards Committee which met in March 2019 considered a report which summarised the outcome of a review of local government ethical standards by the Government's Committee on Standards in Public Life (CSPL). The CSPL considers that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.
- 3.2 The election of a new political administration presents a timely opportunity to review the best practice recommendations which came out of the CSPL's report and consider whether the Council's local ethical standards arrangements should be revised to include the recommendations. The CSPL's report is enclosed in the Appendix 1.
- 3.3 The report confirms the position as far as the Council is concerned in respect of each best practice recommendation made by the CSPL and, where appropriate, proposes changes to the Council's Code of Conduct and Arrangements for dealing with Standards Complaints to meet these recommendations.

4. **Implications**

4.1 Community Safety - (Crime and Disorder Act 1998)

None.

4.2 Workforce

None.

4.3 Equality and Diversity - Equality Impact Assessment

An equality and diversity impact assessment has not been carried out for this report.

4.4 Financial Considerations

None.

4.5 Legal

Any decision that the Standards Committee makes in respect of this report and which requires amendment to the Council's constitution

should be reported to the Constitution Committee ahead of being ratified by Full Council.

4.6 Sustainability

None.

4.7 Internal and External Consultation

This report considers the outcome of a central government review consultation exercise.

4.8 Risk Assessment

None.

5. **Background and Detail**

5.1 In 2018, the Committee on Standards in Public Life (the 'CSPL') undertook a review of local government ethical standards. The CPSL considers that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. The consultation period ran from 29 January to 18 May 2018.

5.2 The terms of reference for the Committee were to:

5.2.1 Examine the structures, processes and practices in local government in England for:

- Maintaining codes of conduct for local councillors;
- Investigating alleged breaches fairly and with due process;
- Enforcing codes and imposing sanctions for misconduct;
- Declaring interests and managing conflicts of interest;
- Whistleblowing.

5.2.2 Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government.

5.2.3 Make any recommendations for how they can be improved.

5.2.4 Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent it.

6 **Summary of Best Practice Recommendations**

- 6.1 The CSPL's report was published on 30 January 2019. The list of best practice recommendations for Councils is found at pages 18-19 of the report and they are reproduced below (an assessment of the Council's compliance with each recommendation is provided below in italics):

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

- *A proposed revised Code of Conduct is attached at Appendix 3.*

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

- *A proposed revised Code of Conduct is attached at Appendix 3.*

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

- *The proposed revision of the Council's Code of Conduct would assist in addressing this recommendation.*

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

- *Already met by the Council's practice.*

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

- *To be addressed as part of this review.*

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

- *This recommendation would be addressed by approving the use of the initial assessment criteria which is used by the Northern Ireland Local Government Commissioner for Standards in Public Life attached at Appendix 2.*

Best practice 7: Local authorities should have access to at least two Independent Persons.

- *Met by the Council's current practice.*

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

- *Met by the Council's current Arrangements for dealing with Standards Complaints.*

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

- *Met by the Council's current Arrangements for dealing with Standards Complaints.*

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

- *Met by the Council's current practice.*

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

- *This is allowable under the Council's current Arrangements for dealing with Standards Complaints.*

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

- *Met by the Council's current practice.*

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

- *Met by the Council's current practice.*

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement,

and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

- *To be considered as part of the Council's governance arrangements for such bodies.*

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

- *Met by the Council's current practice.*

6.2 As will be apparent, some of the best practice recommendations are already part of the Council's ethical standards framework. The proposed changes to the Council's Code of Conduct and Arrangements for dealing with Standards Complaints highlighted above should help to make the framework more robust with the outcome of improved ethical standards and conduct and improved public confidence in the Council's reputation. The CSPL intends to monitor the implementation of its recommendations in 2020.

Mark Trillo

Executive Director (People) and Monitoring Officer

Northern Ireland Public Service Ombudsman Initial Assessment of Complaints.

1. Can we investigate the complaint?
2. Is the person you are complaining about a councillor?
3. Did the conduct occur within the last six months?
4. Is the conduct something that is covered by the Code?
5. Should we investigate the complaint?
6. Is there evidence which supports the complaint?
7. Is the conduct something which it is possible to investigate?
8. Would an investigation be proportionate and in the public interest?

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Staffordshire Moorlands District Council

Code of Conduct for Members

1 Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Staffordshire Moorlands District Council, including –

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and Cabinet Committees
- 1.2 when acting as a representative of the authority
- 1.3 in taking any decision as a Cabinet member or a Ward Councillor
- 1.4 in discharging your functions as a ward Councillor
- 1.5 at briefing meetings with officers and
- 1.6 at site visits
- 1.7 when corresponding with the authority other than in a private capacity

2 General Conduct

You must –

- 2.1 provide leadership to the authority and communities within its area, by personal example and
- 2.2 respect others and not bully (including any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended) any person
- 2.3 recognise that officers (other than political assistants) are employed by and serve the whole authority
- 2.4 respect the confidentiality of information which you receive as a member –
 - 2.4.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - 2.4.2 not obstructing third parties' legal rights of access to information
- 2.5 not misconduct yourself in a manner which is likely to bring the authority into disrepute
- 2.6 use your position as a member in the public interest and not for personal advantage
- 2.7 accord with the authority's reasonable rules on the use of public resources for private and political purposes
- 2.8 exercise your own independent judgement, taking decisions for good and substantial reasons –
 - 2.8.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - 2.8.2 paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
 - 2.8.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.9 account for your actions, particularly by supporting the authority's scrutiny function
- 2.10 ensure that the authority acts within the law.

- 2.11 Co-operate fully with any investigation carried out in accordance with the Council's Arrangements for dealing with Standards Complaints under the Localism Act 2011, and by not making any trivial or malicious allegations under those Arrangements.

3 Disclosable Pecuniary Interests

You must -

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 3.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.3 make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent, and leave the room where the meeting is held while any discussion or voting takes place.
- 3.4 "Meeting" means any meeting organised by or on behalf of the authority, including –
- 3.4.1 any meeting of the Council, or a Committee or Sub-Committee of Council
 - 3.4.2 any meeting of the Cabinet and any Committee of the Cabinet
 - 3.4.3 in taking a decision as a Ward Councillor or as a Member of the Cabinet
 - 3.4.4 at any briefing by officers; and
 - 3.4.5 at any site visit to do with business of the authority

4 Other Interests

- 4.1 In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered, and you are aware that you have an interest in that item which may or may not be entered in your register of interests, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 4.2 You have an interest, as referred to at 4.1 above, in an item of business of your authority where –
- 4.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
 - 4.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association, or
 - 4.2.3 it relates to an interest (other than a Disclosable Pecuniary Interest) entered in your register of interests, and that interest is not a disclosable pecuniary interest.
- 4.3 Where you have an interest in accordance with 4.1 and 4.2 above then you must consider whether the nature of that interest is so significant that you should withdraw from participating in respect of the matter relating to that interest.

5 Gifts and Hospitality

- 5.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the authority.
- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	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 or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(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.

For this purpose –

“the Act” means the Localism Act 2011;

“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” excludes 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 a member of a relevant authority;

“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) or 31(7), as the case may be, of the Act;

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

“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.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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