

**CHIEF OFFICERS COMMITTEE**

**HELD:14 DECEMBER 2005**

Start: 3.30pm

Finish: 4.15pm

**PRESENT:**

Councillors: G M Roberts (Chairman)  
Grant (Vice Chairman)

Bullen  
Owens  
A T Rice

Officers: Human Resources Manager  
Senior Member Services Officer (CAJ)

In attendance: Vic Hewitt, Chief Executive (North West Employers' Organisation)

**1. APOLOGIES**

There were no apologies for absence.

**2. MEMBERSHIP OF THE COMMITTEE**

In accordance with the Council Procedure Rule 4, the Committee noted the termination of membership of Councillor Bailey and the appointment of Councillor Owens for this meeting only, thereby giving effect to the wishes of the political groups.

**3. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

There were no items of urgent business.

**4. DECLARATIONS OF INTEREST**

Councillor G M Roberts declared a personal interest in Agenda item 7 stating that the Leader of Fylde Borough Council was known to him.

**5. MINUTES**

There were no minutes to receive.

**6. PRIVATE AND CONFIDENTIAL**

**LOCAL GOVERNMENT ACT 1972 - SECTION 100 - EXCLUSION OF THE PUBLIC**

RESOLVED

That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 & 9 of Part 1 of Schedule 12A to the Act.

**8. REQUEST FROM THE OFFICE OF THE DEPUTY PRIME MINISTER (ODPM)**

Consideration was given to an approach by the Office of the Deputy Prime Minister (ODPM) and Fylde Borough Council for this Council's Chief Executive to act as an interim Chief Executive to Fylde Borough Council, whilst retaining his responsibilities in West Lancashire as detailed in the report and appendices, which were presented to the Committee the Human Resources Manager and the Chief Executive of North West Employers' Organisation.

- RESOLVED:
- (A) That the temporary appointment of the Chief Executive as part-time interim Chief Executive to Fylde Borough Council, whilst retaining his responsibilities in West Lancashire, be agreed with immediate effect, subject to:
    - (i) The secondment being for a period of six months;
    - (ii) Any further amendment to this period being agreed by both Councils;
    - (ii) Amendment, where referred to in the documentation being made to read "two consecutive days per week at Fylde Borough Council" and "three consecutive days per week at West Lancashire District Council;"
    - (iv) The Deputy Chief Executive fully deputising for the Chief Executive for two days per week;
    - (v) Any expenditure incurred for accommodation and travelling whilst on secondment being the responsibility of the Chief Executive;
    - (vi) (D) below;
    - (v) the resource implications, as set out in the report, being noted.
  - (B) That the formal offer document outlining the main terms and conditions associated with the potential secondment to Fylde Borough Council, as detailed in Appendix 1 to the report, amended as a result of (A) above, be agreed and the Human Resources Manager, in consultation with the Leader of the Council, be authorised to amend this as required.
  - (C) That the temporary revision of the Chief Executive and Deputy Chief Executive's remuneration be approved to reflect the additional duties and responsibilities associated with the appointment as outlined in 6.2 of the report and the Human Resource Manager be authorized to issue contractual variations, subject to (D) below.

- (D) That the Human Resources Manager, in conjunction with the Council Secretary and Solicitor agree a formal contractual arrangement with Fylde Borough Council, subject to that Council approving the appointment through their own processes.

Notes:

1. During the discussion on the report a motion was moved and seconded, in the following terms:

“That any amendment in terms and conditions require the agreement of this Committee or that any delegation should include a Labour representative.”

At a request of a member, the voting on this motion was recorded as follows:

FOR: Bullen and A T Rice (TWO)

AGAINST: Grant, Owens and G M Roberts (THREE)

ABSTENTIONS: (NIL)

The Chairman thereupon declared the amendment to be LOST.

2. Councillors Bullen and A T Rice requested that their abstention from voting on resolution (B) be recorded.
3. The Chief Executive, North West Employers' Organisation asked that his thanks for the generosity extended by this Committee, on behalf of the Council, in agreeing to the secondment of its Chief Executive, be recorded.

.....  
Chairman



## CODE OF CONDUCT 2007

### 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 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(d).

**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.