

Minutes of Blackshaw Parish Special Council Meeting on Monday 19 March 2012 at Blackshaw Head Methodist Church, Blackshaw Head, Hebden Bridge.

Present: Cllrs Dorothy Sutcliff (Chairman), Steve Hoyle, Carol King, Mick Davies, Chris Lund, Tim Cole and 1 member of the public.

In attendance: Lars Hansen (Parish Clerk) and Ian Hughes Head of Democratic and Partnership Services at Calderdale Council.

- 1. Accepted apologies for absence** – Cllr Pat Beechill.
- 2. Declarations of interest in items on the agenda** – none were declared.
- 3. Changes to the Ethical Framework and Standards Regime as a result of the Localism Act 2011** – Ian Hughes had provided a briefing note for members to read beforehand and used that as the basis for outlining the changes and discussed them with members. The Localism Act abolishes the existing Standards Regime and is in the process of introducing a new apparently more relaxed Ethical Framework. Some of this has been published but unfortunately the Government had not yet established what would constitute “Disclosable pecuniary interests” which would have to be declared and entered a register of interests and published on the Council website. The Principal Council, in our case Calderdale Council, will be able to grant a dispensation of up to four years in instances where the Parish Council would be unable to function and make decisions unless such a dispensation is granted. The Parish Council currently has an exemption for Members of BEAT and regular attendees of Blackshaw Head Methodist Church and before 1 July the Council will have to apply for that extension to be continued under the new regime if that is the wish of the Parish Council. Such a dispensation would have to be applied for every four years.

It will be a criminal offence if a Member or co-opted member fails, without reasonable excuse, to comply with the requirements to register or declare disclosable pecuniary interests, or takes part in Council business at meetings or when acting alone when prevented from doing it. A Magistrates court will, upon conviction, impose a fine of up to level 5 (currently £5,000), and approve an order disqualifying the person from being a member of a relevant authority for up to 5 years.

When a Member has a “declared pecuniary interest” she or he will not be able to take part in the discussion or decision making and may have to leave the room to avoid influencing members. The current Standing Orders allow a member to remain and state his or her case and this may have to be reconsidered. Calderdale Council will be adopting a new Code of Conduct and the Parish council will be able to adopt the same. However there will not be a requirement for Members to give an undertaking to observe the Code of Conduct.

The Parish Council will not be required to have its own arrangements for the investigation of allegations of breaches of the Code as these will have to be dealt with by the Principal Authority under its arrangements. However it will be required to consider what action should be taken for a breach of

the Code. An “Independent person” will be available to help with this but sanctions are limited and would amount to not much more than “censure”. Mention was also made of the need to avoid “Predetermination” which is wrong and “Predisposition” which is allowed. The Localism Act has slightly relaxed the rules with regard to Predetermination”.

4. YLCA advice note concerning public interest reports into failures in Local Council governance – Members noted the contents.

5. Potential fraud risks in Parish and Town Councils – Members discussed this issue and although they were entirely satisfied that there were in place processes and procedures which minimised the risk of fraud further suggestions were made for improvement. It was also likely that the current Clerk would retire in the near future and therefore it was decided that to further reduce the risk of fraud the following additional safeguards were agreed:-

- The monthly bank statements would be made available at the Parish Council Meeting to support the monthly bank reconciliation.
- The Vice chair acting together with one other Councillor would, at least once a year, inspect the Council records held by the Clerk and report back to the Parish Council.
- The new Council owned laptop computer, kindly donated by Calderdale Council, would be programmed with appropriate software to enable the Clerk to carry out the Parish Council administrative procedures. The current Clerk would transfer the Parish Council records onto the laptop when it had been suitably programmed.

Signed