



FARNHAM TOWN COUNCIL

Mr Roland Potter
Town Clerk

4th May, 2007

TO: ALL MEMBERS OF THE COUNCIL

Dear Sir/Madam

You are hereby summoned to attend The **ANNUAL MEETING** of **FARNHAM TOWN COUNCIL** to be held in the Council Chamber, South Street, Farnham on **THURSDAY 10th MAY, 2007, AT 7.00PM.**

The Agenda for the meeting is set out below.

Yours faithfully

A handwritten signature in black ink that reads 'R. Potter'.

Mr Roland Potter
Town Clerk

AGENDA

1 APOLOGIES FOR ABSENCE

TO RECEIVE apologies for absence.

2 DISCLOSURE OF INTERESTS

TO RECEIVE from members, in respect of any items included on the agenda for this meeting, disclosure of any personal or prejudicial interests in line with the Parish Council's Code of Conduct and gifts and hospitality in line with Government Legislation.

NOTES:

- (i) Members are requested to make declarations of interest, preferably on the form previously emailed to all members, to be returned to wendy.coulter@farnham.gov.uk by 12 noon on the day before the meeting. Alternatively, members are requested to make declarations of interest on the form attached to this agenda and to hand to the clerk before the start of the meeting.*
- (ii) Members are reminded that any member of the Committee declaring a prejudicial interest is required to withdraw from the meeting unless he/she has obtained dispensation from the Standards Committee.*

Part 1 – ITEMS FOR DECISION

3 ELECTION OF TOWN MAYOR

TO ELECT the Town Mayor for the ensuing year.

4 THE TOWN MAYOR TO MAKE THE DECLARATION OF ACCEPTANCE OF OFFICE

5 ELECTION OF DEPUTY TOWN MAYOR

TO ELECT the Deputy Town Mayor for the ensuing year.

6 THE DEPUTY TOWN MAYOR TO MAKE THE DECLARATION OF ACCEPTANCE OF OFFICE

7 VOTE OF THANKS TO RETIRING TOWN MAYOR

8 PRESENTATION OF PAST TOWN MAYOR'S BADGE

9 MINUTES

TO SIGN as a correct record the minutes of the Farnham Town Council meeting held on 26th April, 2007, attached at Appendix A.

10 NEW CODE OF CONDUCT

TO ADOPT the new Model Code of Conduct for Parish and Town Councils including paragraph 12(2) – Model Code of Conduct attached at Appendix B.

11 ELECTION OF THE LEADER OF THE COUNCIL

- a) TO CONSIDER the election of a Leader of the Council for the ensuing year and if approved
- b) TO APPOINT a Leader to the Council.

Report attached at Appendix C.

12 COMMITTEES

- a) TO CONSIDER the Committee Membership as per members requested options.
 - i) Note: Under Standing Order Number 42(f) the membership of Committees and Task Groups should, as far as possible reflect in broad terms the political composition of the Council. Named substitutes should be appointed to Committees by each political group to ensure a reflection of political composition. Any changes to the political composition will be dealt with at the end of each Council cycle.
- b) TO APPOINT two representatives for the Local Government Year 2007/2008 to attend site inspections held by the Development Management Committees of Waverley Borough Council. Meetings are usually held in the morning commencing at or soon after 9am. The representatives for 2006/2007 were Cllr S Farrow, Cllr J M Harris and the reserve representative was Cllr C G Genziani.

OR

- c) TO CONSIDER a review of committee structures and their terms of reference, to take place at an informal workshop to be held on 26th May, 2007, to be APPROVED at a Full Council meeting to be held on 28th June, 2007.

Report attached at Appendix D.

- d) TO APPROVE an interim membership of a Planning Consultation Group pending the above review.

13 REPRESENTATIVES TO SERVE ON RECREATION GROUND COMMITTEES

- a) TO APPOINT representatives to serve on the under mentioned Recreation Ground Committees for the Local Government Year 2007/2008. The 2006/2007 representatives are shown:

Badshot Lea
Bourne
Hale

Cllr M W Norris
Cllr C A Cockburn
Cllr J E Maines

Rowledge
Weybourne
Wrecclesham

Cllr (Mrs) P M Frost
Cllr D J Attfield
Cllr S Farrow

OR

- b) TO REVIEW the appointment of representatives on Recreation Grounds, to be considered at Full Council on 28th June, 2007.

14 APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES

TO REVIEW appointments to Outside Bodies to be considered at Full Council on 28th June, 2007.

Part 2 – ITEMS FOR INFORMATION

There are no items for information.

Part 3 – CONFIDENTIAL ITEMS

There are no confidential items.

The Town Mayor will close the meeting.

FARNHAM TOWN COUNCIL

Disclosure by a Member¹ of a personal interest or a prejudicial interest in a matter under consideration at a meeting (S81 Local Government Act 2000 and the Parish Councils Code of Conduct).

As required by the Local Government Act 2000, **I HEREBY DISCLOSE**, for the information of the authority that I have [a personal interest² [a prejudicial interest]³ in⁴ the following matter:-

COMMITTEE: ANNUAL COUNCIL

DATE: 10th MAY, 2007

NAME (Please Print): _____

Agenda Item / Minute Number	Subject	Personal	Prejudicial	Interest based on	Time of Disclosure

(Please continue on the following page)

Signed

Dated

¹ "Member" includes co-opted member, member of a committee, joint committee or sub-committee – section 83, Local Government Act 2000.

² A personal interest includes:
Any matter registered in the register of interests

³ Any decision which affects the well-being or financial position of a member or a friend or relative to a greater extent than others.

⁴ A prejudicial interest is a personal interest so significant that it is likely to prejudice the member's judgement of the public interest.
State item under consideration.

Agenda Item / Minute Number	Subject	Personal	Prejudicial	Interest based on	Time of Disclosure

FARNHAM TOWN COUNCIL

MINUTES OF THE TOWN COUNCIL MEETING HELD ON THURSDAY
26th APRIL, 2007, AT 7.00 PM IN THE COUNCIL CHAMBER, SOUTH
STREET, FARNHAM

- * Cllr D J Attfield (Town Mayor)
 - * Cllr C G Genziani (Deputy Town Mayor)
 - o Cllr P G Burden OBE
 - o Cllr M A Clark
 - * Cllr C A Cockburn
 - o Cllr S Farrow
 - o Cllr (Mrs) P M Frost
 - o Cllr R D Frost
 - Cllr J M Harris
 - * Cllr S A G Lang
 - * Cllr J E Maines
 - o Cllr (Mrs) A E Mansell MBE
 - o Cllr C H Mansell
 - * Cllr P G Marriott
 - * Cllr (Mrs) P M Marriott
 - * Cllr M W Norris (arrived at 7.25pm)
 - o Cllr (Mrs) S Scrivens
 - * Cllr V K Scrivens
-
- * Present
 - o Apologies for absence

Officers Present:

Roland Potter (Town Clerk)

Sheila Rayner (Assistant Town Clerk)

Wendy Coulter (Member Services and Grants Officer)

C 277/06 QUESTIONS BY THE PUBLIC

Members of the public present wished to make a statement in relation to Item 6 on the agenda.

C 278/06 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P G Burden, M A Clark, S Farrow, (Mrs) P m Frost, R D Frost, (Mrs) A E Mansell, C H Mansell and (Mrs) S Scrivens.

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APPENDIX A**

C 279/06 MINUTES

The minutes of the Full Council meeting held on 29th March, 2007, were approved and signed by the Town Mayor as a correct record.

C 280/06 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

C 281/06 STATEMENTS BY THE PUBLIC

It was agreed that Statements by the Public referring to Agenda Item 6 would be taken at the start of the agenda.

Part 1 – ITEMS FOR DECISION

C 282/06 TOWN MAYOR'S ANNOUNCEMENTS

The Town Mayor said that he had enjoyed the last couple of weeks and had attended some very interesting meetings and enjoyed wading in the river with the Ducks on Easter Saturday.

C 283/06 DECISION MAKING OF THE PLANS PANEL (PLANNING CONSULTATIVE GROUP)

Statements by the Public

Mr Ian Walton – Oakdene, Lower Bourne, Farnham.

Thank you for the opportunity to discuss planning proposal WA 07/0505. This proposal was reviewed by the Plans Panel on 29th March, 2007.

For those unfamiliar, application WA 07/0505 proposes and I quote "the demolition of an existing 2 storey building and erection of a building containing 10 2/3 bedroom flats with associated car parking for 18 vehicles".

The site is in an ASEQ and as such any new development is subject to Policy BE3. The proposal involves an estimated 300% increase in ground area. The existing property is currently used as a school in what was previously a single dwelling.

I live next door to the property and my 2 colleagues are also immediate neighbours.

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We are all aware that the purpose of the Plans Panel is to provide a 'grass roots or layman's view' on any proposals, and that this decision carries little weight with Waverley Borough Council. We are, however, laymen ourselves and having looked at all the information readily available we are unable to reconcile the Plans Panel decision of 'No objection' with current planning and development policy.

We would like Farnham Town Council to review the decision made by the quorum of only 3 councillors, and if necessary to overturn it, based on consideration of all the information available. We feel that if this proposal goes to appeal the Inspector is more likely to refuse the proposal if it has been rightly rejected at all levels.

We are unaware of the material made available by the Council officers to the Plans panel. However, as the proposed Design and planning Statement and previous Appeals Decisions associated with the site are all held in this building, it is reasonable to assume the Plans Panel had access to them.

Was this information made available to the Panel?

Para 4.04 and Appeal Decision /1144890 both state clearly that when 3 Counties Trust, the present owners of the property, cease to occupy the premises, then it has to revert to its previous use as a single dwelling. Therefore this application means that a single dwelling in an ASEQ and under BE3 policy, within a SPA , would be demolished and replaced by a block of flats some 300% bigger. The Plans Panel passed 'No objection'.

What relevant information did the Council Officers provide to the Plans Panel prior to the March 29th meeting?

Did the Plans Panel have the Inspector's conditional change of use and if not, why not?

As an immediate neighbour the scale of the proposal will also significantly affect loss of light, privacy and will both overshadow and overlook my property Oakdene. Traffic and noise will also increase. Any Council members who wish to view the site from my property are more than welcome.

Please also be aware that there is strong local objection to the proposal with some 30+ letters against it. Natural England and the BRA have expressed their objections. Supporters (Three Counties Parents or Grandparents) of the proposal have also openly expressed their desire to maximise profit in letters to Waverley Borough Council.

In sum I urge you as the full Farnham Town Council to review the decision of 'No objection', as we feel this is not justifiable under the information available and does not reflect well on the Plans Panel decision making process.

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Mr C F Coote – Lower Bourne, Farnham.

I wish to refer the Council Members to Roland Potter's letter in Appendix B. Specifically...

Point 12 – states that the Council officers review planning applications in order that the Plans panel can focus on major or potentially controversial applications.

Point 14 – states that the Town Council is a consultee in the planning process and is required to provide a layman's comments.

Plans Panel Meeting March 29th

Point 4 – Ref WA 07/0505; claims that Plans Panel members considered policy BE3 but make no mention of D1 or D4 or the SPA.

Point 5 – The Town Council has always had a practice of scrutinising rigorously all development proposals where the demolition of a single residential dwelling is to be replaced by flats.

It is further claimed that under this principle, the Plans Panel considered WA 07/0519 and WA 07/0505 with equal rigour.

However, Point 6 argues that there is a significant difference between 0519 and 0505 – 0505 relates to a property whose established previous use was as a school.

This is false. The property was previously a single dwelling and the change of use was to apply solely to Three Counties Trust and the property would revert back to single residence if and when the school move. The transitory change of use was conditional on a 106 agreement.

Furthermore Point 6 states as 0519 includes the demolition of a single dwelling which is currently available as a residential dwelling, members maintained their practice of objecting to the proposed development and qualified their objection with policy references.

Why then was the same practice not applied to 0505, as the existing dwelling would be available as a single residence and was to be demolished?

Minutes of Plans Panel Meeting

The Members objected to 0512 and 0519 on the grounds that "the scale, location and design of the developments would be harmful to the residential amenities of surrounding dwellings".

However, for 0505, where the same loss of amenities certainly apply, as does BE3, D1 and D4 policies, no comment let alone objection applies.

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In summary, we believe the Plans Panel decision to offer No Objection to the application is both indefensible and incongruous and should be reviewed by the Town Council against all the available facts and planning policies.

Mr Clive Jobling – Lower Bourne, Farnham.

Could the Plans Panel change their 'No objection' to WA 07/0505, in view of our presentation to the Council this evening?

Consideration of the Decision Making of the Plans Panel

Members received a report on decision making by the Plans Panel outlining that objections had been received from members of the public challenging the observations that the Plans panel made with reference to a planning application in Lower Bourne.

Under the Town Council's Standing Order 17, Councillor C A Cockburn requested that the Council CONSIDER the issue of the decision making of the Plans Panel (Planning Consultative Group) and its consequences.

Councillor C A Cockburn reiterated that she was concerned about the process in which the Planning Consultative Group (PCG) arrived at its decisions. She explained that it appeared to the members of the public that the PCG's decisions were inconsistent and unfair. Cllr Cockburn asked if Waverley Borough Council were aware that only three members of Farnham Town Council had made the decisions on behalf of Farnham Town Council.

Cllr Cockburn agreed that Farnham Town Council could have an individual opinion but that it is judged by the 'man on the street' as to whether there is consistence and fairness in the decisions made.

Cllr Cockburn asked that there be a detailed explanation of the decisions made by the PCG on 29th March, 2007, in order to quash any suggestion of bias in the decision making.

Cllr Cockburn explained that the fears of the public were that the Town council's comments appear on the reports to Waverley Borough Council and if the application went to appeal then the inspector would also see the comment from Farnham Town Council.

Members noted that the Officer report stated that the Town Council is not the planning authority and can make no decisions with regard to planning other than to make observations. The only statutory power applicable to the Town Council is under Section 1 paragraph 8 of the Town & Country Planning Act 1990 which requires the Town Council to be notified of planning applications only.

Members noted that under Standing Orders No 42 (g) approved by the Council in 2004:

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“Planning applications are to be considered by a standing panel of 9 members with an elected Chairman and Vice Chairman, to consider contentious/significant applications. The panel to have delegated powers to submit observations to Waverley Borough Council. The Panel may refer a planning application to the Environmental Services Committee to consider and make observations”

Members considered the issues raised by Cllr Cockburn and raised the following points:

The PCG has delegated powers to make decisions. If the PCG considers that an application needs further deliberation it can refer that application to the Environmental Services Committee for consideration.

Council resolved to have a PCG of nine members which gives the nine wards of Farnham the opportunity to have a representative on that group.

Descriptions of the applications that come before the PCG are circulated to all Farnham Town Council members before the meeting itself either by email or on paper. Members have the opportunity to look at the Planning Applications before the PCG meeting. If there is anything that a member of a particular Ward feels should be brought to the PCG's attention the ward member can either notify officers or attend the meeting to put across their point of view.

Members also considered the issue raised by Cllr Cockburn about 'dual hatted members' and the fact that the PCG was held in public.

Many members of Farnham Town Council are 'dual hatted', sitting both as Waverley Borough Councillors and Farnham Town Councillors and choose not to sit on the PCG as they believe it could possibly cause difficulty when the Borough Council sits to discuss planning applications already seen at Farnham Town Council.

Although the minutes might not be long and detailed it does not mean that there was no discussion on that particular application. Detailed minutes are not recorded unless there are issues that local Councillors decide should be mentioned.

Members agreed that they were concerned by the apparent discrepancy between applications in the minutes of the PCG of 29th March.

Members were concerned that there was a suggestion that the PCG should be held in private which could make it easier for 'dual hatted' members to sit on the PCG. However the Town Clerk reminded members that the Standards Board rules on declaring interests applied to meetings held in public and in private.

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Members wished it to be known that although they sympathised with the views of the members of the public but in this instance the Council could not change the observation on the PCG which had a delegated duty from the Council to present the Council's observations based on the information supplied by the Planning Authority.

Cllr Cockburn asked whether it was the responsibility of the Town Council to inform Waverley Borough Council of how the Town Council came to its decisions at the PCG. The Town Clerk responded that a letter had been written to Waverley Borough Council clearly detailing how the PCG worked and requesting that the information be forwarded to all members of Waverley Borough Council and Chairmen of the Planning Committees.

Members noted from the Officers' report that the Town Council's observations are at best described as grass roots/laymen's views and there is no legislation which states that this view should be binding or weighted any differently to a general member of the public by the planning authority. Any other interpretation of this view lies with the Borough Council and can only be addressed by Waverley elected Councillors.

Members agreed that the issue raised was about whether Farnham Town Council's system of dealing with Planning Applications was the right one. Members agreed that it should be recommended to the new incoming Council to review the planning system and how the PCG is run and decide whether to continue in the present system or if a new system should be introduced.

RESOLVED: That the members of Farnham Town Council sympathise with the views of the members of the public with regard to planning Application WA 07/0505.

RECOMMENDED: To the New Council that the process of the Planning Consultative Group be reviewed to determine whether the current system is correct or whether a new system for observation making should be introduced.

C 284/06 RISK MANAGEMENT

Members received a report on the progress of the current work position of the Council's risk management implementation.

The principal areas of work undertaken which have been completed or are in the process of being completed are:

2005/06

The Council reviewed its Information Technology and has implemented a capital programme for the upgrading and replacement of equipment. A service contract for the support of the system was approved and implemented.

2006/07

Allotments

- ◆ The Council reviewed its allotment strategy and adopted a new 3 year plan which has included bi-annual meetings between the Council and the Allotment representatives, the introduction of a new tenancy agreement to address concerns regarding the operation of allotments by the various tenants.

Cemeteries

- ◆ A survey of all the trees in the cemeteries was undertaken and the appropriate remedial work has been completed.
- ◆ The Council introduced a cemeteries Charter and reviewed its cemeteries regulations in October 2007.
- ◆ A Condition survey of the cemetery buildings has been completed.

Bus Shelters and other street furniture

- ◆ The Council is in the process of updating its asset inventory of all assets and two new members of staff have been recruited whose duties will include the regular inspection and cleaning of the council's assets.

Other Policies

Attached to record minutes is a list of current reviews being undertaken by the Council's Officers which are subject to approval by the Town Council.

Insurance

- ◆ The Council's current insurance liabilities and valuations are being reviewed by the Town Clerk and Zurich Municipal Insurance and will be completed by May 2007.

RESOLVED:

- 1. That the progress on the Risk Management Assessment be noted.**
- 2. That the officers should update the Risk Management Assessment and bring this to the attention of the Council at its first regular meeting after the Annual Meeting in May 2007.**

C 285/06 FREEDOM OF INFORMATION ACT

Members received a report on the model scheme of publication under the Freedom of Information Act.

Under the Freedom of Information Act 2000 the Town Council is required to have an approved Publication Scheme which should be available to all members of the public. The Town Council submitted a Model Publication Scheme for Town and Parish Councils. The scheme was approved however there is no record of this scheme within the Councils documents, which has resulted in this matter being raised by the external auditors.

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The registration of the scheme is due to be renewed and members were requested to approve the amended scheme (attached to record minutes) for submission to the Information Commissioner.

The principle change to the scheme is that any papers considered in Part I or II of the Councils or its committees agendas should be made available to the public.

RESOLVED:

- 1. That the amended model scheme adopted and submitted to the Information Commissioner for approval.**
- 2. That the Town Clerk be delegated authority to negotiate any amendments to the submitted model if requested by the Information Commissioner.**

C 286/06 THANKS TO OUTGOING COUNCILLORS

In light of the elections about to take place on 3rd May, 2007, the Town Mayor expressed his thanks to all eighteen members for their help and support over the past four years.

He also thanked, on behalf of the Town and Villages of Farnham, the three Councillors who would not be standing for re-election. Captain Peter Burden, Joan Harris and Sheila Scrivens. He wished them all the best for the future.

Cllr C A Cockburn wished to thank Peter Burden. He was an energetic Councillor who was always willing to have a chat and a laugh with any town councillor, regardless of political standing. Cllr Cockburn said that it was sad that Peter Burden's illness over the past few months had meant that he had faded out of the process rather than going out with the acclaim that he should have done. He would be sorely missed as he was a great character.

Cllr V K Scrivens wished to thank Joan Harris and Sheila Scrivens for their service to the Council. Joan Harris was one of the longest standing Councillors. She was a splendid mayor, she delivered it well in her own unique style and she would be missed.

Sheila Scrivens was the first woman mayor to be elected twice.

Peter Burden, Joan Harris and Sheila Scrivens had all done a very good job over the years in their own different ways.

Cllr V K Scrivens also thanked Cllr David Attfield for being a 'splendid Mayor'.

Cllr M W Norris wished to echo the comments about Cllrs Burden, Harris and Scrivens and in particular wanted to express his sadness at the loss of the wealth of knowledge that Peter Burden and Joan Harris had brought to the Council, about Farnham and its people.

Part 2 – ITEMS NOTED

C 287/06 **PLANNING APPLICATIONS**

Cllr V K Scrivens wished to put forward further comments on planning application WA 07/0828 - Erection of a building to provide 13 apartments, together with associated works, following demolition of existing dwelling. Waverley House, 54 Waverley Lane, Farnham.

He explained that the traffic congestion is quite serious in the particular area of the application and the proposal would increase the amount of cars in the area. He also wished to draw members' attention to the fact that more flats in the area would detrimentally affect the community spirit in the area.

It was agreed that Cllr V K Scrivens' comments would be forwarded to the next meeting of the Planning Consultative Group.

RESOLVED: **That the observations made by the Planning Consultative Group held on 29th March and 12th April, 2007, and dealt with in accordance with delegated authority, be noted.**

C 288/06 **REPORTS FORM OUTSIDE BODIES**

Members received verbal reports from Farnham Town Council representatives on the Farnham Voluntary Council and the Farnham Sports Advisory Council.

A verbal report was received from Councillor C A Cockburn that the Volunteer Bureau was about to launch a Waverley and Guildford scheme which will have its own board of trustees. A more able Voluntary Service Council would now be in operation which would give advice on funding and grant applications to the Farnham charities.

A verbal report was received from Cllr Attfield who attended the Farnham Sports Advisory Council presentations. They made a presentation to junior, intermediate and senior members and citations were given about the people nominated and what they had won in the way of medals.

C 289/06 **INTERNAL AUDIT**

Members noted that the Town Council is subject to an Internal Audit Inspection on 14th and 15th June, 2007.

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APPENDIX A**

C 290/06 ITEMS TABLED

None.

C 291/06 PUBLICITY

Members agreed that no Press Releases would be issued due to the Council being in Purda.

CONFIDENTIAL ITEMS

There were no confidential items.

The Town Mayor closed the meeting at 8.10pm.

Date

Chairman

Local Authorities (Model Code of Conduct) Order 2007 No.1159

THE MODEL CODE OF CONDUCT
FOR FARNHAM TOWN COUNCIL

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 (see Annexure to this Code).

(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) any of the authority’s committees or sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member and an appointed member.

(5) References to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

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

^(a) 2006 c.3.

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

7. Paragraph 7 does not apply to 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—
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

- (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (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 (5), 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.

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) this sub-paragraph does not apply to your authority;
 - (ii) this sub-paragraph does not apply to your authority;

- (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.

11. Paragraph 11 does not apply to your authority.

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; and

- (b) 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 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.

Annexure - The Ten General Principles

The general principles governing your conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

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.



FARNHAM TOWN COUNCIL

LEADER OF THE COUNCIL	
AUTHOR: <i>Roland Potter</i> <i>Town Clerk</i>	PRESENTED BY: <i>Roland Potter</i> <i>Town Clerk</i>
PRODUCED FOR: FULL COUNCIL	DATE OF REPORT: 01 May 2007
SUMMARY OF KEY ISSUES <p>Over the last 4 years of the Town Council it has been agreed by a majority decision to appoint a Leader to the Council.</p> <p>The post of leader has been provided from the majority party. The role has included</p> <ul style="list-style-type: none">◆ Representing the Town Council at meetings with other authorities.◆ Being a spokesman for the Council◆ To act as liaison between the members of the Council and the Town Clerk in indicating priorities and programmes for inclusion in Council business and the Councils likely reaction to new policies or projects (<i>Standing Order 42 i 2</i>).◆ To be the first point of contact for the Town Clerk when an issue arises that requires a political or policy response from the Council and the issue does not naturally fall within the terms of reference of any of the three standing committees (<i>Standing Order 42 i 3</i>). <p>The position of mayor has been considered to be a civic post and it has been accepted that this position would not have any political authority or delegation.</p> <ul style="list-style-type: none">◆ Strictly speaking, the role of the Town Mayor and the Deputy Town Mayor is only recognised for procedural purposes..... representing the Council at appropriate meetings, events, interviews etc (<i>Councillor/ Employee Working Protocol 2.2</i>) <p>Members are requested to consider if they wish to appoint a Leader to the Council for the forthcoming municipal year.</p> <p>Members are also requested to consider if the role of Leader of the Council should be incorporated into the role of Town Mayor.</p>	
FINANCIAL IMPLICATIONS: <p>There are no significant financial implications at this time.</p>	

ITEM 11
APPENDIX C

LEGAL AND POLICY IMPLICATIONS

Standing Orders and the Councillor/Employee Working Protocol would require amendment and approval by Full Council.

RECOMMENDATION:

- 1. Members are requested to consider if they wish to appoint a Leader for the Council.**
- 2. If Members chose to appoint a Leader for the Council, this post should be appointed at the Council Meeting.**
- 3. If Members chose not to appoint a Leader of the Council, then the pole of the Town Mayor and the Deputy Mayor should be reviewed.**

FOR FURTHER INFORMATION CONTACT:

Roland Potter (Town Clerk)



FARNHAM TOWN COUNCIL

COMMITTEE STRUCTURE	
AUTHOR: <i>Roland Potter</i> <i>Town Clerk</i>	PRESENTED BY: <i>Roland Potter</i> <i>Town Clerk</i>
PRODUCED FOR: FULL COUNCIL	DATE OF REPORT: 01 May 2007
SUMMARY OF KEY ISSUES <p>The Town Council currently has a committee structure consisting of the Council supported by three committees and the Planning Consultative Group.</p> <p>The current committee structure is:</p> <ul style="list-style-type: none"> ◆ Policy & Resources Committee – terms of reference attached ◆ Public Services Committee – terms of reference attached ◆ Environmental Services Committee – terms of reference attached <p>The Council agreed to defer the issue of reviewing the committee structure until the new Council was in place and that the current system should continue into the new 2007/08 municipal year.</p> <p>Members are requested to consider:</p> <ul style="list-style-type: none"> ◆ Adopting the current committee structure for 2007/08. ◆ To take the opportunity to review this position for consideration by Full Council on 28 June 2007 after the Members workshop on 26th May 2007. <p>There are a number of possible options open to members during the review of the Committee structure including:</p> <ul style="list-style-type: none"> ◆ Full Council supported by 3 committees and the Planning Consultative Group. ◆ Full Council supported by 2 committees and the Planning Consultative Group. ◆ Full Council supported by 1 committee and the Planning Consultative Group – suggested timetable attached at Annexe A. ◆ Full Council, Planning Consultative Group and approved working groups to provide a support and scrutiny role to officers and the Council. 	
FINANCIAL IMPLICATIONS: <p>There are no significant financial implications at this time.</p>	
LEGAL & POLICY IMPLICATIONS <p>Standing Orders would require amendment and approval by Full Council.</p>	

**ITEM 12
APPENDIX D**

RECOMMENDATION:

- 1. Members are requested to consider adopting the current committee structure
or**
- 2. Members are requested to agree to review the committee structure.**
- 3. To appoint to membership of the Planning Consultation Group.**

FOR FURTHER INFORMATION CONTACT:
Roland Potter (Town Clerk)

FARNHAM TOWN COUNCIL

TERMS OF REFERENCE

POLICY AND RESOURCES COMMITTEE

The Policy and Resources Committee will make recommendations to full Council **on all matters not within existing policy**. The Policy and Resources Committee will make recommendations to full Council on the following matters:

1. To review, from time to time, policy objectives within the Committee's Terms of Reference for consideration by the Council.
2. To prepare annual estimates and precept for recommendation to Council in time for its January meeting.
3. Amendments to Standing Orders and Financial regulations.
4. a) Staffing levels
b) The grading of staff and level of remuneration using as a guide the National Joint Council salary scale and conditions of service.
5. Proposed virements between approved budget heads.
6. The use by any other organisation of the Armorial Bearings as exemplified according to the laws of arms and recorded in the College of Arms.
7. Recommendations on the use of financial reserves.
8. Recommendations on capital expenditure not already provided for in Council's estimates of expenditure for the current financial year.
9. Proposals regarding review of existing policy matters.
10. Proposals regarding expenditure from the Contingency Fund.
11. The proposed Capital Works Programme in consultation with the Standing Committees.
12. Proposals regarding the provision of buildings for offices and for public meetings and assemblies in accordance with the provisions of the Local Government Act 1972, s. 133.
13. Proposals regarding the prosecution or defence of any legal proceedings.

14. Proposals regarding town twinning.
15. Proposals for the use of powers to participate in schemes of collective investment in accordance with the provisions of the Trustee Investments Act 1961, s. 11.
16. Proposals for the use of powers to acquire by agreement, to appropriate, to dispose of land in accordance with the provisions of Local Government Act 1972, ss 124, 126, 127.
17. Proposals for the use of its powers to promote a lottery in accordance with the provisions of Lotteries and Amusements Act 1976, s. 7.
18. Proposals regarding powers to accept gifts, including land, in accordance with provisions of the Local Government Act 1972, s. 139.
19. Proposals regarding future provision of civic regalia
20. The making of grants to local organisations in accordance with the Local Government Act 1972, s 137, 144, 145. Local Government (Miscellaneous Provisions) Act 1976 s 19, Local Government and Rating Act 1997, Part III S26 – 30.
21. To make recommendations on any future provisions of civic regalia.

The Council delegates to the Finance & General Purposes Committee **within existing policy** the following exercise of its powers:

22. To keep all procedures under active review.
23. To determine all Section 137 (as amended) Local Government Act 1972 expenditure.
24. To exercise the Town Council's powers to appoint school governors in accordance with the provisions of Education (No2) Act 1986, s. 4. until schools reconstitute their governing bodies and thereafter to nominate the appointment of a community governor in accordance with the School Governance Regulations Act 2003 Part 2.
25. To exercise the Town Council's powers to direct as to the custody of parish property and documents in accordance with the provisions of Local Government Act 1972, s. 226.
26. To exercise the Town Council's Powers to consider applications under the Licensing Acts.
27. To approve the letting of Council owned facilities

28. Such other matters of a general nature not clearly falling within the Terms of Reference of the other Committees.

FARNHAM TOWN COUNCIL

TERMS OF REFERENCE

PUBLIC SERVICES COMMITTEE

The Public Services Committee will make recommendations to the Council **on all matters not within existing policy** and on the following matters:

1. The use of the Council's powers to acquire land for or to provide recreation grounds, public walks, pleasure grounds, open spaces, gymnasiums, playing fields, holiday camps and provision of boating pools, and exercise the power to manage and control them in accordance with the provisions of public Health Act 1875, s. 164, Local Government Act 1972, schedule 14, para 27, Public Health Act Amendment Act 1890, s. 44, Open Spaces Act 1906, ss 9 , 10, Local Government (Miscellaneous Provisions) Act 1976, s. 19 and Public Health act 1961, s. 54.

The Council delegates to the Public Services Committee, **within existing policy** the following exercise of its functions:

2. To review, from time to time, policy objectives within the Committee's Terms of Reference for consideration by the Council
3. To prepare by November in each year budget proposals for revenue and capital expenditure in the following financial year and submit to The Finance and General Purposes Committee.
4. The duty to provide allotments in accordance with the provisions of the Small Holdings and Allotments Act 1908, ss. 23, 26, 42.
5. The power to provide and maintain bus shelters in accordance with the provisions of the local Government Act 1953, s. 4.
6. The powers to make bye-laws in regard to
 - a) Pleasure Grounds in accordance with the provisions of the Public Health Act 1875, s. 164
 - b) Open Spaces in accordance with the provisions of the Open Space Act 1906, s.15
7. The powers to provide public clocks in accordance with the provisions of the Parish Council's Act 1957, s. 2.
8. The powers in relation to inclosure, as to regulation and management, and as to providing common pasture in accordance with the provisions

of Inclosure Act 1845, Local Government Act 1984, s. 8(4), Small holdings and Allotments Act 1908, s.34.

9. The powers to provide and equip buildings for use of clubs having athletic, social or educational objectives in accordance with the provisions of Local Government (Miscellaneous Provisions) Act 1976, s. 19.
10. The power to provide public conveniences in accordance with the provisions of Public Health Act 1936, s. 87
11. The powers to provide roadside seats and shelters in accordance with the provisions of the Parish Councils Act 1957, s. 1.
12. The powers to provide and encourage (a) the use of facilities and (b) to contribute to organisations, encouraging the development of tourism in accordance with the provisions of the Local Government Act 1972, s. 144.
13. To exercise the Town Council's power to provide entertainment and support of the arts and associated crafts in accordance with the provision of Local Government Act 1972 s 145.
14. To exercise the Town Council's powers to maintain, repair, protect and adapt War Memorials in accordance with the provisions of the War Memorials (Local Authorities Powers) Act 1923 s. 1 as extended by the Local Government Act 1948, s. 133.
15. To exercise the Town Council's powers to acquire maintain, provide, contribute towards expenses of burial grounds, cemeteries, monuments and memorials in accordance with the Open Spaces Act 1906, s 9, s 10, Local Government Act 1972 s 214, Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970 s.1.
16. To exercise the Town Council's powers in respect of crime prevention measures in accordance with the provisions of the Local Government Act 1997 Part III s31.

FARNHAM TOWN COUNCIL

TERMS OF REFERENCE

ENVIRONMENTAL SERVICES

The Environmental Services Committee will make recommendations to the Council on all matters not within existing policy. The Council delegates to the Environmental Services Committee **within existing policy** the following exercise of its functions:

1. To review, from time to time, policy objectives within the Committee's Terms of Reference for consideration by the Council.
2. To prepare by November in each year budget proposals for revenue and capital expenditure in the following financial year and submit to the Finance and General Purposes Committee.
3. The power to deal with ponds and ditches in accordance with the provisions of the Public Health Act 1936, s. 260.
4. The power to provide litter bins in accordance with the provisions of the Litter Acts.
5. The power to plant trees and shrubs and to maintain roadside verges in accordance with the provisions of the Highways Act 1980, s. 96
6. The power to utilise well, spring or stream and to provide facilities for obtaining water therefrom in accordance with the provisions of the Public Health Act 1936, s. 125
7. The powers to provide parking places for vehicles, bicycles and motor cycles in accordance with the Road Traffic Regulation Act 1984, ss 57, 63.
8. The powers to enter into agreement as to dedication and widening of the highway in accordance with the provisions of the Highways Act 1980, ss. 30, 72.
9. To exercise the Town Council's powers to provide consent of the Council required for ending maintenance at the public expense, or for stopping up or diversion of the highway in accordance with the provisions of the Highway Act 1980 S130.
10. The powers to complain to the Highway Authority as to protection of rights of way and roadside wastes in accordance with the Highways Act 1980, s. 130.

11. The powers to provide traffic signs and other notices in accordance with the provisions of the Road and Traffic Regulation Act 1984, s. 72.
12. The powers in respect of car sharing schemes; grants for bus services; traffic fare concessions; the provision of information about transport and traffic calming works in accordance with the provisions of the Local Government and Rating Act 1997, Part III ss. 26 to 30.
13. The powers to comment upon proposals of a planning and traffic nature.
14. To consider planning applications that the Plans Panels consider should be dealt with by a wider membership of the Council and in turn to refer on to Full Council if the Committee consider it necessary.
15. The powers to provide cycle parks in accordance with the provisions of the Road Traffic Regulation Act 1984, s. 57(7).
16. The powers to repair and maintain public footpaths and bridleways in accordance with the provisions of the Highways Act 1980, s 43, 50.
17. The powers to light roads and public places in accordance with the provisions of the Parish Councils Act 1957, s. 3 and Highways Act 1980, s 301.

FARNHAM TOWN COUNCIL
TIMETABLE OF MEETINGS 2007/2008

2007

<u>Month</u>	<u>Day & Date</u>	<u>Meeting</u>
May	Thursday 10 th	Annual Council & Mayor Making
	Thursday 31 st	<i>Services Committee</i>
June	Thursday 28 th	Full Council
July	Thursday 12 th	<i>Services Committee</i>
August	Thursday 2 nd	Full Council
September	Thursday 13 th	Full Council
October	Thursday 11 th	<i>Services Committee</i>
	Thursday 25 th	Full Council – Stage 1 Budget & Grants
November	Thursday 15 th	<i>Services Committee</i>
December	Thursday 6 th	Full Council – Stage 2 Budget & Precept.

**ITEM 12
ANNEXE A**

2008

<u>Month</u>	<u>Day & Date</u>	<u>Meeting</u>
January	Thursday 17 th	Full Council – Stage 3 Budget (if required)
February	Thursday 7 th	<i>Services Committee</i>
	Thursday 28 th	Full Council
March	Thursday 20 th	<i>Services Committee</i>
April	Thursday 10 th	Full Council
May	Thursday 8 th	Annual Council & Mayor Making
	Saturday 10 th	Annual Town Meeting & Maltings Festival
	Thursday 29 th	<i>Services Committee</i>
June	Thursday 19 th	Full Council
July	Thursday 9 th	<i>Services Committee</i>
	Thursday 31 st	Full Council
September	Thursday 11 th	Full Council
October	Thursday 2 nd	<i>Services Committee</i>
	Thursday 23 rd	Full Council – Stage 1 Budget and Grants
November	Thursday 13 th	<i>Services Committee</i>
December	Thursday 4 th	Full Council – Stage 2 Budget and Precept