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DISTRICT  
COUNCIL

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**May 2004**



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**SERVING OUR COMMUNITIES**

# MEMBERS' FOCUS

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# MEMBERS' FOCUS

AREA: All Areas

CORPORATE THEME HEADING: Help people to feel safe and well

<b>SUBJECT:</b> Braintree Community Sports Project - Business Awards	<b>CONTACT OFFICER:</b> <b>Patrick Ward - Project Coordinator</b> <b>Richard Heard – Leisure Development Manager</b>
<b>Telephone:</b> <b>Pat Ward 0137676 – 551414 Ext 2323.</b>  <b>E-mail:</b> <b>patwa@braintree .gov.uk</b>	<b>BACKGROUND PAPERS:</b>  N/A
<b>INFORMATION:</b>  <b><u>Business Awards</u></b>  The Braintree Community Sports Project has been nominated for an Essex Countywide Business Award 2004. The project won this prestigious award in 2003 and is pleased to be chosen as a finalist this year. The winner will be announced at the presentation ceremony on Friday 14 <sup>th</sup> May 2004.  The project has a good chance of repeating last year's achievements and winning the award. It has been entered into the Community Public Category. The other nominations are Southend Adult Community College and Basildon District Council - Leisure services.  This nomination itself is a great achievement for the project and is a good reflection of the hard work undertaken by both staff and volunteers. The good work would not be possible without the support of the many partners the project has, most notably Braintree District Council and the Youth service.  For more information please contact:  Patrick Ward Project Coordinator 01376 552525 Ext. 2323	

# MEMBERS' FOCUS

AREA: CORPORATE

CORPORATE THEME HEADING: IMPROVE PERFORMANCE  
AND DELIVER BETTER VALUE

SUBJECT: Code of Conduct for Members - Personal & Prejudicial Interests	CONTACT OFFICER: P J Dempsey Monitoring Officer
TEL/EMAIL No.: Ext. 2620 patrick.dempsey@braintree.gov.uk	BACKGROUND PAPERS: Code of Conduct for Members - paragraphs 8 and 10 (7 and 9 in Parish/Town Council Code of Conduct)

## INFORMATION:

The Standards Committee has agreed the following further advice to be given to all elected and co-opted Councillors on the subject of personal and prejudicial interests.

### **What kinds of interests are covered by paragraph 8?**

The definition of a personal interest under paragraph 8 is deliberately very broadly drafted. A personal interest can arise not only from the employment, business interests and shareholdings of the Member concerned but also from the employment, business interests and shareholdings of his or her relatives or friends. The scope of paragraph 8 is much wider than the list of interests that must be registered under paragraphs 13 and 14 of the Code (12 and 13 in the Parish/Town Council Code of Conduct). This is to enable a relatively wide range of personal interests to be declared in authority meetings without unnecessarily limiting participation. The wide scope here reflects the policy of promoting transparency in local government that lies at the heart of the Code's drafting. The much more restrictive definition of prejudicial interests under paragraph 10(1) (9(1) of the Parish/Town Council Code) ensures that Members are not unnecessarily excluded from decision-making.

### **How does a Member judge if his or her interest is prejudicial?**

The Member needs to consider how a reasonable and objective observer with knowledge of all the relevant facts would view the situation and, in particular, how the circumstances are likely to impact on the Member's judgement of the public interest. Care needs to be taken in relation to this topic. The judgement must be a reasonable one and an interest will only be prejudicial if it can reasonably be regarded as significant. Almost any degree of personal involvement or knowledge of the circumstances is likely to affect a Member's judgement. A Member may well have been elected precisely because of his or her local knowledge. For an interest to be prejudicial it must be "likely to prejudice" the Member's judgement. In other words the interest must be likely to harm or impair the Member's ability to judge the public interest. The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test.

# MEMBERS' FOCUS

There must be some factor that will positively harm the Member's ability to judge the public interest objectively.

Some general principles must be borne in mind when applying this test. Members should clearly act in the public interest and not in the interests of family or friends. Members are custodians of the public purse and their behaviour and decisions should reflect this responsibility.

A special mention should be made of situations when a Member shares a personal interest with a large number of other people (for example, where a particular part of an authority's area will be affected by a decision). The Standards Board for England considers that if a Member shares a personal interest with a large number of people, it is less likely that a prejudicial interest will exist. An interest shared by a Member with thousands of other people living in the same town is much less likely to prejudice the Member's judgement than an interest that only affects the Member concerned (or only affects a small number of people). However, each case must be decided on its own facts.

A Member should also consider the nature of the relationship that gave rise to the personal interest. Members may be very close to some of their relatives but they barely know others. Clearly the closer the relationship, the more likely it is that a prejudicial interest will arise.

The Declaration of Interests also ensures that local authority business is legally sound. If a Member fails to declare an interest, or fails to leave the room or chamber where a matter concerning a prejudicial interest is discussed, then any decision made at that meeting could itself be challenged on the grounds of bias.

In considering whether a Member of the public with knowledge of the relevant facts would reasonably regard an interest as so significant that it would be likely to prejudice the Member's judgement of public interest, it may help to apply what the Standards Board refers to as the **SOAP** test:-

**SELFLESSNESS.** Could any and every possible decision that the Member made in connection with the matter be regarded as selfless?

**OBJECTIVITY.** Could the Member be regarded as being as objective in the matter as his or her fellow Members?

**ACCOUNTABILITY.** Could the Member's involvement in the matter stand up to public scrutiny?

**PUBLIC INTEREST.** Would the public interest be harmed by the Member's involvement?

# MEMBERS' FOCUS

AREA: LEGAL SERVICES

CORPORATE THEME HEADING: ENVIRONMENTAL PROTECTION PROSECUTIONS

SUBJECT:Noise Abatement Environmental Protection Act	CONTACT OFFICER:Brenda Sipple
TEL/EMAIL No.:01376 552525 Ext 2631	BACKGROUND PAPERS:
INFORMATION:  On the 18 <sup>th</sup> September 2003 a Noise Abatement Notice was served on Manor Trading The Notice required that noise arising from the playing of amplified music and/or amplified voices should not be audible one metre from the façade of any noise sensitive premises between 2300hrs and 0900hrs. Following a number of complaints from nearby residents, out of hours officers attended the area.On the 12 <sup>th</sup> January 2004 Manor Trading GB Ltd of Prested Hall Feering Essex were served with a Summons for the breach of an Abatement Notice to control the noise emanating from Prested Hall.  Mr Michael Carter Managing Director for Manor Trading defended the case and following a number of hearings a trial was set down for 26 <sup>th</sup> April 2004 in the Witham Magistrates Court.  Environmental Health Officers Pam Sharp and Colin Batchelor gave evidence.  Magistrates found the case against Manor Trading proved and a fine was imposed of £1,000 and an Order made that the Council's costs be paid within 28 days.	

# MEMBERS' FOCUS

AREA: All

CORPORATE THEME HEADING: Improve performance and deliver better value/ feeling safe and well

SUBJECT: Advance notice of Member training – Delivering Diversity Compliance	CONTACT OFFICER: Sheila Cook
TEL/EMAIL No.:2322/sheila.cook@braintree.gov.uk	BACKGROUND PAPERS: None
INFORMATION:  Are we really doing everything we can to meet the needs of all our customers?  <b>Do we know what the law expects of us?</b>  Equality legislation is changing all the time and it is not always easy for Members to keep abreast of changes without reading and digesting huge piles of official documents or spending hours on the Internet,  Delivering Diversity Compliance is a 2 hour briefing session for Members, specially designed to update them on current and impending diversity legislation and the links to Member governance.  Members will have received an invitation to one of the two sessions that will be held in <b>Room 1 at Causeway House from 7.00pm to 9.15pm on Monday 21 June 2004 or Monday 28 June 2004</b> . There will be refreshments available from 6.30pm to 7.00pm on these evenings.  If you need more information or another booking form, please contact Sheila Cook ext 2322 or e mail sheila.cook@braintree.gov.uk	

# News

## **Concern for gas pipe replacement to go smoothly**

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**Replacement of a 1930s gas main** along Rayne Road in Braintree begins in July. The five month contract will require different traffic measures at different times, including temporary traffic lights, a four week closure of a short part of Coggeshall Road and a consequent bus diversion.

In Rayne Road, the work will take up to half the width of the road and will proceed in phases, working west to the Springwood industrial estate.

Some on-street parking places will be lost for a few weeks and blue-badge holding drivers will need to consider alternatives to the Bank Street places. These drivers are also allowed to park in any district council car park free of charge at any time.

**Local businesses and district councillors** are concerned that the work should be completed within the scheduled time, without running into the pre-Christmas retail season.

**District Council Cabinet member Roger Walters** comments: "This essential work will replace part of the original gas supply and with three teams working seven days a week, Transco be will expected to meet the timetable which they have set themselves. I would hope that their tight planning will avoid disruption and inconvenience for Braintree people and I trust that we will not have a repetition of the problems that have been reported when Transco have been working previously in Braintree District.

"I shall be asking Transco for regular reports on their progress and their commitment to finish the job by the 12<sup>th</sup> December. It will be unacceptable to have works going on in Braintree in the busy Christmas shopping time in December."

### **ENDS**

For more information contact: Chris Trim (01376) 557752

Issued by: PR Section 17 May 2004

# News

### **Companies warned to bin mailshot from fake 'Health and Safety' agencies**

**The Health and Safety Executive (HSE)** has urged companies and other organisations to ignore information they receive from three firms purporting to regulate health and safety legislation.

HSE has received hundreds of complaints from companies across the country, following bogus requests for payment in return for compliance with health and safety law.

The three firms, all based in north-west England, have written to companies all over Great Britain asking for between £125 and £249 to ensure they comply with health and safety law.

A Liverpool firm calling itself the Health and Safety Enforcement Agency (HSEA) demands £125 for a health and safety compliance pack. The Manchester-based Health and Safety Compliance Agency (HSCA) says a health and safety compliance register will become law on 1 May and that all businesses should apply for registration, for a fee of £129.25. A third company, the Health and Safety Registration Enforcement Division (HSRED), which gives a Rochdale address, tells recipients to pay up to £249 for health and safety registration.

Anyone receiving literature from any of these companies can ignore it; there is no legal need for anyone to buy literature or services from these companies.

Local environmental health officers would like to hear from any local company which may have received similar demands.

#### **ENDS**

For more information see: [www.hse.gov.uk/press/2004/e04053.htm](http://www.hse.gov.uk/press/2004/e04053.htm) or for local information, contact Environmental Health Officer Lisa Buckland (01376) 551414 ext. 2212

based on HSE Press Release: E053:04 - 20 April 2004

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