



**THE TOWN COUNCIL  
OF  
ROYAL LEAMINGTON SPA**  
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6<sup>th</sup> July 2012

Dear Councillor,

You are summoned to attend a **MEETING** of the **TOWN COUNCIL OF ROYAL LEAMINGTON SPA** to be held at the **Town Hall, Royal Leamington Spa** on **THURSDAY 12<sup>th</sup> JULY** commencing at **6.30 pm** for the purpose of transacting the business specified below.

Yours faithfully,

**CLERK TO THE TOWN COUNCIL**

TO ALL MEMBERS OF THE COUNCIL

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**AGENDA**

1. **APOLOGIES FOR ABSENCE**
2. **CHAIRMAN'S ANNOUNCEMENTS**
3. **DECLARATIONS OF INTEREST**  
Members are invited to declare any interest they may have in an item identified for discussion at the Meeting.
4. **PUBLIC FORUM**  
To receive representations from members of the public in accordance with Standing Order No. 36.
5. **CORRESPONDENCE**  
To consider correspondence received since the last Meeting.
6. **WARWICK DISTRICT LOCAL PLAN**  
To consider the District Council preferred options for the Local Plan and approve a response (Report No.6)
7. **CODE OF CONDUCT**  
To consider the attached Report (Report No. 7)
8. **INSTALLATION OF AUTOMATED EXTERNAL DEFIBRILLATOR (AED)**  
To consider the attached Report (Report No.8)

**9. MINUTES OF COUNCIL AND COUNCIL COMMITTEES**

(i) Planning Committee – 17<sup>TH</sup> May and 6<sup>th</sup> June, 2012

To receive the Minutes of the Meetings of the Planning Committee held on 17<sup>th</sup> May and 6<sup>th</sup> June 2012. (Report Nos. 9 (a) and 9(b))

(ii) Policy and Resources Committee –21<sup>st</sup> June 2012

To receive the Minutes of the Meeting of the Policy and Resources Committee held on 21<sup>st</sup> June 2012 (Report No.9(c)) and approve the Recommendation at Minute 7 as follows:-

Leamington Old Town "Portas" funding bid

**Recommended** that Council provides £10,000 from balances as a provision in the event of a successful outcome for the Old Town Portas bid.

(iii) Cultural and Community Committee –31<sup>st</sup> May and 28<sup>th</sup> June 2012

To receive the Minutes of the Meetings of the Cultural and Community Committee held on 31<sup>st</sup> May and 28<sup>th</sup> June 2012 (Report No 9 (d) and 9(e))

(iv) Council – 24<sup>th</sup> May 2012

To confirm and sign as a correct record the Minutes of the Meeting of the Town Council held on 24<sup>th</sup> May, 2012 (Report No. 9(f))

**10. ACCOUNTS**

To consider and approve a schedule of invoices arising for payment since the last meeting. (Schedule of payments to be circulated)

**REPORT TO A MEETING OF THE TOWN COUNCIL TO BE HELD AT THE TOWN HALL,  
LEAMINGTON SPA ON 12<sup>TH</sup> JULY 2012**

**WARWICK DISTRICT LOCAL PLAN**

**1. PURPOSE OF THE REPORT**

To consider a response to the preferred options within the Warwick District Local Plan.

**2. INTRODUCTION**

2.1 As with all planning authorities, Warwick District Council has responsibility for preparing a Local Plan. This is a strategic document that provides a statutory basis on which future development of the District can be delivered. It must accord with National Planning Policy and have regard to other local strategies such as the Sustainable Community Strategy to which it is complementary.

2.2 The current District Local Plan covered the period 1996-2011 and therefore must now be superseded. Unless a Planning Authority has a local plan in place it is powerless to control where future development will take place.

2.3 The Government has recently published its National Planning Policy Framework (NPPF). This underlines the importance of having well justified and up to date local plans and means that these local plans will play a vital role in shaping the future of local areas.

2.4 Following earlier consultation, the District Council has drawn up a series of preferred options for dealing with the future growth of the District. These options are now subject to further consultation. The deadline for a response is 27<sup>th</sup> July, 2012. It is anticipated that the Plan could be adopted by April 2014.

**3. PREFERRED OPTIONS**

3.1 The observations of the Town Council are being requested on a range of key areas. These areas include a preferred level of growth which will have a significant impact on all other parts of the Local Plan.

3.2 The full detail of the preferred options are set out in a document that can be viewed at the following address  
<http://www.warwickdc.gov.uk/WDC/Planning/Planning+policy/Local+Development+Framework/New+Local+Plan/default.htm>

To assist Members, a copy of the summary booklet is attached to this Report.

3.3 A draft response has been prepared by the Labour Group and is included at Appendix 1.

- 3.4 Within the Consultation document the District Council has indicated that in the case of objections to the preferred options, respondents should set out the changes that could be made to resolve a particular objection.

4. **RECOMMENDATION**

- 4.1 The Council is requested to consider the preferred options set out in the District Local Plan consultation and agree a response to Warwick District Council.

**Royal Leamington Spa Town Council**  
**Response to Warwick District Council Local Plan, Preferred Options May 2012**

The Town Council of Royal Leamington Spa broadly welcomes the Plan, and below gives a more detailed response on particular items of the Plan. We expect to incorporate our vision for Leamington Spa into a Plan for the Town in due course.

**Delivering Growth**

We welcome the broad location of growth. We agree that an annual average increase of 600 new homes for the next 20 years is a reasonable and fair target. Many of the Wards in the Town are already densely populated, and we note that the Plan anticipates some growth in these areas.

**Affordable housing**

We approve the requirement that 40% of new homes on developments of 10 or more dwellings, and 5 or more dwellings in the rural areas, should be affordable housing.

**Mixed communities**

We approve the option for a mix of housing, and note that strategic sites will include Extra Care Housing. We believe in a balanced and mixed population and welcome families and single people in all our Wards.

We believe that a policy on student accommodation and houses in multiple occupation is urgently and immediately needed. We note that the preferred option states that these need to meet locational criteria. The Town Council would like these criteria to include the following:

- a percentage limit of such accommodation in every street
- an acknowledgment that many streets in the south of the Town already have too many HMO's and are making streets unacceptable to families
- an agreement with the Universities and landlords about refuse collections.

We would also welcome developments that demonstrate a more imaginative provision for students, that are not simply converting existing family housing.

**Economy**

We welcome the proposals to ensure a wide range of employment. We particularly support the regeneration and enhancement of existing employment areas.

## **Retailing and Town Centres**

We welcome the support for Town Centre retailing and a Town Centre first message. We believe that the 'Town' includes the whole town, and that developments should be considered in the area south of Regent Street, in the Parade and in Old Town. The Town Council believes that we should promote and support Fair Trade initiatives.

We are committed to strategies that promote the town for retail provision, leisure, entertainment and eating establishments. We can promote our parks and green spaces as important attributes of the Town Centre.

However, we see that 'shopping' also includes local shops. The Town Council would prefer there to be a policy on where supermarkets should be located, and that local communities should be consulted about any new proposals for supermarket development.

## **Historic Environment**

We welcome the intention to protect the historic environment. We see that this includes the historic areas of the Old Town, and would be pleased to work with the District Council in listing the historic assets, and reviewing the Conservation Area. We are pleased to note the District Council's encouragement of regeneration of appropriate sites within the historic environment. We strongly affirm that the historical integrity of the area is threatened by sex entertainment establishments and oppose any such establishment, which we see as an inappropriate development. The Town Council supports the Blue Plaque scheme, and the Guild of Guides Walks.

## **Climate Change**

As a Transition Town, the Town Council welcomes the intention to include a policy on climate change.

## **Transport**

We support the option to minimise the need to travel, and to promote sustainable forms of transport. In addition to the proposals in the Plan, we believe that a higher priority should be given to cycle provision, and to ensuring that all new developments encourage ease of access by bicycles between areas of the District. This includes cycle lanes and provision to park cycles.

## **Green Infrastructure**

We welcome the intention to protect and enhance the assets as identified in the Plan. We are pleased to see the introduction of “Green Wedges” as an alternative to areas of restraint.

We would also be in favour of consideration of a policy that considers garden preservation. We support greener neighbourhoods through our tree planting scheme, and through our support of Allotment Societies.

## **Culture and Tourism**

We support the intention to develop this appropriately and would welcome opportunities to share ideas on promoting the cultural facilities of Leamington. We believe there is scope for improving the visual impact for visitors to Leamington who arrive by rail or canal.

We are proud of the assets of the Town and are committed to maintaining them as welcoming and friendly venues for residents and visitors.





**REPORT TO A MEETING OF ROYAL LEAMINGTON SPA TOWN COUNCIL TO BE HELD  
ON 12<sup>TH</sup> July 2012**

**LOCAL COUNCILS' CODE OF CONDUCT**

**1. PURPOSE OF THE REPORT**

To consider and adopt a new Code of Conduct.

**2. BACKGROUND**

- 2.1 The Localism Act 2011 ('the 2011 Act') received Royal Assent on 15 November 2011. It contains new provisions to replace the standards framework previously established by the Local Government Act 2000 ('the 2000 Act') and subsequent secondary legislation, which regulate Parish Councillors' conduct, disclosure of interests and how complaints about their conduct will be handled.
- 2.2 Members Conduct is presently regulated by a Model Code of Conduct adopted by this Council at the Meeting of Council on 16<sup>th</sup> April 2002. The Code is now abolished by the provisions within the Localism Act.
- 2.3 In addition to the abolition of the Code, the Government has abolished the Standards Board for England which under the previous legislation was responsible for policing the standards regime and for determining alleged breaches of the Code referred to it by local Standards Committees. Changes have also been made to the sanctions imposed as a result of breaches of the Code.
- 2.4 The date for implementing the new regulations which will apply to the conduct of Parish and Town Councillors in the future was 1st July, 2012. This report sets out the implications of those changes and action now required of the Council.

**3. NEW REGULATORY FRAMEWORK**

- 3.1 S. 27 of the 2011 Act provides that every relevant authority in England, including a Parish Council, is under a duty to promote and maintain high standards of conduct by its members and co-opted members and that in doing so it must adopt a code of conduct that is expected of them when they are acting in that capacity. This code of conduct will not apply to members and co - opted members in their private life.
- 3.2 In accordance with s.28 of the 2011 Act, every relevant authority must adopt a code of conduct which:-
  - i. is consistent with the Nolan principles of conduct in public life which are: selflessness, integrity, objectivity; accountability; openness; honesty; and leadership; and

- ii. includes provisions which the authority considers appropriate in respect of the registration and disclosure of 'pecuniary interests' and 'interests other than pecuniary interests'.

The 2011 Act provided no definition of pecuniary or non-pecuniary interests, though subsequent secondary legislation defines "disclosable pecuniary interest". It is a matter for local authorities to determine the scope of "interests other than pecuniary interests".

The revocation of the current prescribed model code of conduct with mandatory provisions means that a relevant authority, including a Town and Parish Council, is free to adopt any code of conduct that it wants, subject to such a code satisfying the requirements of s.28 of the 2011 Act.

- 3.3 The Act provides that a Parish Council may if it chooses adopt the code of conduct that has been adopted by its principal authority. Pursuant to s.29 (9), a principal authority for a Parish Council is the District Council for its area or otherwise it will be the County or London Borough Council. It is anticipated that principal authorities will, quite sensibly, encourage the Parish Councils in their areas to adopt the code of conduct adopted by them. This is because they will be responsible for handling and determining code of conduct complaints which relate to members and co-opted members of Parish Councils in their area and they will not want to deal with different codes adopted by Parish Councils. This is the approach that has been recommended to all Town and Parish Councils in Warwickshire by the Association of Local Councils (WALC).

#### **4. RECOMMENDED CODE OF CONDUCT**

- 4.1 The District Council adopted a formal Code of Conduct at its meeting 27<sup>th</sup> June 2012. The District Council resolved that the Code be recommended for adoption by all Parish and Town Councils in the District. The recommended Code is enclosed at Appendix 1.
- 4.2 In the interests of consistency it is recommended that this Council adopts the District Council Code.
- 4.3 The Code requires all Members of the Council (whether elected or co-opted) to Register their disclosable interests with the Monitoring Officer of the District Council within a period of 28 days from the date of the adoption of the new code. Forms for this purpose will be provided for Members' use in due course. Upon re-election or re-appointment, the member or co-opted member must also within 28 days notify the Monitoring Officer of "disclosable pecuniary interests" not already included in his or her register of interests. It remains a criminal offence for a Member not to disclose a pecuniary interest to the Monitoring Officer and to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest.

- 4.4 The Code also makes provision for interests other than pecuniary interests. (see page 8- other interests - Appendix 1).
- 4.5 Where a matter arises at a meeting which relates to a disclosable pecuniary interest, the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
- 4.6. Where a matter arises at a meeting which relates to a pecuniary interest which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it. A sensitive interest is defined as an interest the declaration of which could lead to the Member, or a person connected with the Member, being subject to violence or intimidation,
- 4.7. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in paragraph 1 of the Code), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.
- 4.8. A member only has to declare his/her interest in personal interests if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If such an interest is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

## 5. **DISPENSATIONS**

- 5.1 The new Code makes provision for dispensations to Members under certain circumstances. The 2011 Act permits a member or co-opted member of a Town/Parish Council with a disclosable pecuniary interest to submit a written request to the proper officer of the Town/Parish Council for the Council to grant a dispensation to relieve him/her of the restrictions in s. 31(4), namely to participate in a discussion or vote on a matter in which he/she has a disclosable pecuniary interest. A Council may grant a dispensation if having had regard to all relevant circumstances, it considers that:
- a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
  - b) granting the dispensation is in the interests of persons living in the authority's area.
  - c) it is otherwise appropriate to grant a dispensation.

- 5.2 This represents a change from the previous Code which required such dispensations to be considered by the Standards Committee of the District Council. In the circumstances it is suggested that this power is granted to the Urgent Matters Committee of the Council.
- 5.3 The Council's Standing Orders (Standing Order 31) currently refer to the Code of Conduct adopted by the Council in April, 2002 and will need to be suitably amended to account for the adoption of the new Code and new provisions relating to pecuniary interests.
- 5.4 The District Council Monitoring Officer has indicated that training in the application of the new Code will be available to members of Town and Parish Councils in the near future.

## **6. RECOMMENDATION**

- 6.1 The Town Council is required by the Localism Act 2011 to adopt a Code of Conduct with effect from the 1<sup>st</sup> July 2012. All Town and Parish Councils in Warwickshire are recommended by the District Council and the Warwickshire Association of Local Councils to adopt the District Code.
- 6.2 Council is therefore recommended to:-
- (i) adopt the Code of Conduct (Appendix1) as this Council's Code of Conduct required by Section 27 of the Localism Act 2011
  - (ii) that the power to grant dispensations in respect of disclosable pecuniary interests is granted to the Urgent Matters Committee of the Council
  - (iii) that Standing Order 31 is amended to record the adoption of the new Code and provisions relating to declaring pecuniary interests at Meetings of the Council.

## **ROYAL LEAMINGTON SPA TOWN COUNCIL Code of Conduct**

### **Part A – General Obligations**

As a member or co-opted member of Royal Leamington Spa Town Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

I recognise that this Code of Conduct will apply at all times when I am acting as a member of the Town Council and I recognise that failure to adhere to this Code could result in the issuing of sanctions against me.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority:

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

As a Member of Royal Leamington Spa Town Council, my conduct will in particular address the principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the authority or the good governance of the authority in a proper manner.
- Recognising that all parties are equal and my position is one of privilege and not one that should be used to secure advantage or disadvantage for any party.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to and respecting the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective, making decisions on merit and providing reasons for the decisions taken.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account.
- Never disclosing information given to me in confidence by anyone, or information acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (1) I have the consent of a person authorised to give it;
  - (2) I am required by law to do so; and

- (3) 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
  - (4) The disclosure is
    - (a) Reasonable and in the public interest; and
    - (b) Made in good faith and in compliance with the reasonable requirements of the authority.
- Behaving in accordance with all my legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including those on the use of the Council's resources (which shall never be for political purposes).
  - Valuing and respecting my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
  - Always treating people with respect, including the organisations and public I engage with and those I work alongside, both officers and fellow Members.
  - Providing leadership through behaving in accordance with the principles of this Code when championing the interests of the community with other organisations as well as within this Council.
  - Never intimidating or attempting to intimidate, or bully any person.
  - Never doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
  - Recognising that by failing to adhere to the Code, I could bring my office or Council into disrepute.

## Part B - Interests

### 1 Notification of disclosable pecuniary interests

This part explains the requirements of the Localism Act 2011 (Sections 29-34) in relation to disclosable pecuniary interests. These are enforced by criminal sanction but would also be seen as a breach of the Code of Conduct by the Council.

Within 28 days of becoming a Member or co-opted Member, or becoming aware of any changes to your interests, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<b><i>Subject</i></b>	<b><i>Prescribed description</i></b>
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 a Member in carrying out duties as a member, or towards the election expenses of a Member.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 <sup>(1)</sup> .
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—

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(1) 1992 c. 52.



	<p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land, which includes 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	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 the Member's knowledge)— <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities which 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(2) and other securities of any description, other than money deposited with a building society	Any beneficial interest in securities of a body where— <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

(2) 2000 c. 8.

- “the Act” means the Localism Act 2011;
- “director” includes a member of the committee of management of an industrial and provident society;
- “M” means a member of the 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) of the Act;
- “relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

## **2 Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection, at Riverside House, Royal Leamington Spa and will be published on the authority’s website.

## **3 Sensitive interests**

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Act.

## **4 Non participation in the case of disclosable pecuniary interest**

- (1) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- (a) You may not participate in any discussion of the matter at the meeting and must leave the room for the duration of this item (Unless dispensation has been granted by the Council).
- (b) You may not participate in any vote taken on the matter at the meeting.
- (c) You must disclose the interest to the meeting.
- (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Council Standing Order 31 requires you to leave the room where the meeting is held while any discussion or voting takes place.

## **5 Dispensations**

The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## **6 Offences**

It is a criminal offence, under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to:

- (1) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- (2) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- (3) Fail to notify the Monitoring Officer within 28 days, of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- (4) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- (5) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.

In addition to the above, this Council would also recognise that the following would amount to a breach of the Code of Conduct:

- Failure to notify the Monitoring officer of any changes to disclosable pecuniary interest within 28 days
- Failure to disclose a disclosable pecuniary interest at a meeting
- Failure to leave the meeting room when an item relating to a disclosable pecuniary interest is discussed

## **Other interests**

### **1 Notification of interests**

- (1) Subject to paragraph 4 (below), Sensitive interests, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority;
  - (b) your election or appointment to office (where that is later); or
  - (c) any changes occurring to the declared interest

Notify the Monitoring Officer in writing of the details of your personal interests, where they fall within the categories at Paragraph 2(2) (A) below, for inclusion in the register of interests.

- (2) You must, within 28 days of becoming aware of any new personal interest, notify the Monitoring Officer of the details of that new personal interest.

### **2 Disclosure of interests**

- (1) Where you have a personal interest in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, 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)
- (A) You have a personal interest in any business of your authority where 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;
- (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (B) In sub-paragraph (2) (A), 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 which you are a member is affected by the matter being considered.
- (C) You have a personal interest in any business of your authority in those matters set out under Disclosable Pecuniary Interests at Part B paragraph 1.
- (3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person, you need to disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (4) Where you have a personal interest in any business of the authority regarding gifts and hospitality, 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.
- (5) Where you have a personal interest but, by virtue of Paragraph 4, Sensitive interests, 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.

### **3 Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

Where a disclosable pecuniary interest is notified to the Monitoring Officer it need not be separately notified or separately registered as an interest under this Code.

#### **4 Sensitive interests**

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

#### **5 Non participation in case of pecuniary interest**

- (1) Where you have a personal interest in any business of your authority and you also have a pecuniary 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 and where that business—
- (a) affects your financial position or the financial position of a person or body described in paragraph 2;
  - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph;
  - (c) or relates to any disclosable pecuniary interest.

Then paragraph 2 shall apply.

- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority—
- (a) You may not participate in any discussion of the matter at the meeting.
  - (b) You may not participate in any vote taken on the matter at the meeting.
  - (c) If the interest is not registered, you must disclose the interest to the meeting.
  - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

**Note:** In addition to the above requirements Standing Order 31 requires you to leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary 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 and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that 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.

## **6 Gifts & Hospitality**

Within 28 days of receipt you must inform the Monitoring Officer of any gift or hospitality received equal to or greater than a value of £25.

This notification will include the details of what was received and the date it was received.





**REPORT TO A MEETING OF THE TOWN COUNCIL OF ROYAL LEAMINGTON SPA  
TO BE HELD ON 12<sup>TH</sup> JULY 2012**

**INSTALLATION OF AN AUTOMATED EXTERNAL DEFIBRILLATOR**

**1. PURPOSE OF REPORT**

- 1.1 To consider providing financial and other support for the provision of an Automated External Defibrillator (AED) outside the Town Hall, Parade, Leamington Spa.

**2. BACKGROUND**

- 2.1 An Automated External Defibrillator or AED is a portable electronic device that automatically diagnoses the potentially life threatening cardiac arrhythmias (irregular heartbeat) in a patient. The AED treats the patient through defibrillation - the application of electrical therapy which stops the arrhythmia, allowing the heart to re-establish an effective rhythm.
- 2.2 AEDs are increasingly present in town centres, schools, larger stores and other prominent locations. They are designed to be used by laypersons who *ideally* should have received AED training. This is in contrast to more sophisticated manual and semi-automatic defibrillators used by health professionals, which can act as a pacemaker if the heart rate is too slow and perform other functions which require a skilled operator able to read electrocardiograms.
- 2.3 There is presently no publicly accessible AED in Leamington Town Centre. A number of these devices are currently being proposed for location in the District and one has recently been approved at Shire Hall, Warwick
- 2.4 At a meeting of Warwick District Council in March 2012, a proposal by Councillor Roger Copping that the District Council provide some officer support and advice on the location of an AED within Leamington Town Centre was carried by the Council 'nem con'.
- 2.5 In spite of help from officers, the Project requires a sponsor and also assistance with regard to administering the operation and upkeep of the AED once installed. This proposal was therefore discussed by the Cultural and Community Committee at a meeting on 31<sup>st</sup> May, 2012 which ***recommended*** the Town Council as follows:-
- (i) that the provision of an Automated External Defibrillator (AED) at the Town Hall is supported, subject to the granting of Listed Building consent and the approval of Warwick District Council;
- (ii) that a financial contribution of £190 is made to meet the cost of connection to the electricity supply and the purchase of replacement battery packs; and
- (iii) that the Town Clerk pursues inquiries with the Council's insurer's to determine the question of liability for persons undertaking the role of first responders when operating the AED at the Town Hall.



conducted and any damage/deficiencies are rectified irrespective of which option is implemented.

It should be noted that the Resuscitation Council (UK) does not favour the locked cabinet approach and in 2010, together with the British Heart Foundation, issued the following statement:-

"Given the importance of reducing to a minimum the time taken to administer a shock, we believe that no delays or constraints should be placed on any person willing to use an AED nor should there be any physical barrier to restrict the immediate use of an AED such as a locked and / or coded cabinet.

We appreciate the desire for equipment security. But there has been minimal vandalism or theft in the National Defibrillator Programme in which AEDs are located in cabinets that are not locked but fitted with alarms that are activated when the cabinets are opened. We believe this strategy could easily be adopted by any AED project. Moreover the devices do not pose any threat to the safety of users or victims."

### 3.4 Insurance

In the United States of America, where AED's are present in significant numbers, the position in relation to personal liability arising from the use of these devices is clarified by the Good Samaritan Laws which in most States provide legal protection for persons administering life- saving first aid. Though the United Kingdom has no such statutory protection, there is a growing acceptance that common law principles are not infringed by an untrained volunteer using an AED. The consensus therefore is that given the simplicity of the AED and its reliability, a lay person would probably be justified in using one in an emergency situation when a more qualified person is not available.

In terms of providing indemnity against a claim for injury or loss against the operator of an AED, the Council's Insurer has advised that there would be no restriction on this equipment being open to use by the public, as AED's are machines that only work on someone whose heart has stopped. The Council would not be held liable for the use of the equipment in such circumstances. In the case of the "locked cabinet" approach nominated persons should be provided with appropriate levels of training to ensure effective and safe deployment of the AED but would be protected by the same consideration as for untrained volunteers.

With regard to maintenance of the equipment, the periodic checking of the AED would need to be included within the Council's risk assessment schedule to ensure it has not been tampered with. As long as the manufacturer's instructions and any regulations involved with the equipment are followed, it would be unlikely the Council could have a successful claim made against it regarding the equipment. If any claim was made and was successful, the Council's public liability insurance would apply and indemnify the Council against the loss.

Incidents of malicious damage to the equipment itself would need to be included under the All Risks section of the current policy for which a small additional premium will arise.

### 3.5 Planning Permission

Informal discussions have taken place with the District Council Conservation Officer because the Town Hall is a Grade II\* listed building. In view of the public safety element of this proposal, the initial indication is that this application would be granted listed building consent, subject to the observations of English Heritage and re-painting the security box in a colour more in keeping with the exterior of the Town Hall.

- 3.6 A brass plaque has been requested from The Round Table, to acknowledge their financial input in to this proposal, which would cost circa £30.

## 4. RECOMMENDATION

- 4.1 The AED is a life-saving piece of equipment. The equipment will be purchased by Royal Leamington Spa Round Table.
- 4.2 The Cultural and Community Committee considered the proposal in outline and supported the provision of an AED on the exterior of the Town Hall, subject to the granting of listed building consent, clarification of the question of liability for persons acting as first responders and identification of funding to meet the costs of erecting a security cabinet.
- 4.3 The question of accessibility to the AED is an important consideration. If the Council is supportive of this proposal it must determine whether the equipment will be available to be used by all members of the public or be restricted via a locked cabinet to specified and trained individuals. Whichever option is preferred, the Council will need to consider putting in place measures to conduct periodic inspections of the AED equipment and to provide appropriate insurance cover against theft or damage of the equipment. If the "locked cabinet" approach is preferred, the Council will need to put in place measures to establish and maintain a register of trained volunteers.
- 4.4 There is no budget identified for the cost of erecting the cabinet and purchasing replacement battery packs (£190). If the Council approves the proposed provision of an AED, this will need to be funded from reserves utilising the Council's powers under Section 137 of the Local Government Act 1972. An additional insurance premium may also arise in connection with including the equipment in the Council's all risks insurance policy.