



HILLINGDON  
LONDON



# Standards Committee

**Date:** THURSDAY, 10  
SEPTEMBER 2009

**Time:** 7.00 PM

**Venue:** COMMITTEE ROOM 4,  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE, UB8  
1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

## Councillors on the Committee

Allan Edwards (Chairman),  
Malcolm Ellis (Vice Chairman),  
James Keys (Independent Member),  
Councillors Corthorne, Dann,  
Harmsworth, Hensley, Khursheed and  
Yarrow

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# Agenda

- 1 Apologies for Absence
- 2 Minutes  
To approve the minutes of the meeting of the Committee held on 3 June 2009
- 3 Declarations of Interest  
To note any declarations of interest in any matter before the Committee
- 4 Confirmation that all items marked Part I will be considered in public and those marked Part II, in private

## **PART I**

- 5 Standards Board For England Bulletin No.44  
To note the latest publication from the Standards Board (*attached*)
- 6 Standards Committee Regulations  
To note that the Government has recently made regulations to implement some of the outstanding provisions relating to standards introduced by the Local Government and Public Involvement in Health Act 2007. (*details attached*)
- 7 Audit - Complaints against Members  
***To note that internal audit are currently carrying out an audit of complaints about Members the objectives of which are to ensure that:-***
  - ***All complaints against Members are accounted for and recorded.***
  - ***All complaints and actions taken comply with the deadlines set out in the Standards Committee Procedure Rules.***
  - ***Correct procedures are followed in dealing with each complaint, as set out in the Standards Committee Procedure Rules.***
  - ***The procedures governing complaints are regularly reviewed and updated when necessary.***

The audit was to be conducted in August 2009 and the anticipated date of the draft report is mid September 2009.

## **PART II**

- 8 Complaints Monitoring

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## Minutes

**Standards Committee**  
**Wednesday, 3 June 2009**  
**Meeting held at High Street, Uxbridge, UB8 1UW**



**Published on: 10 June 2009**  
**Come into effect on: Immediately (or call-in date)**

### **Members Present:**

Allan Edwards (Chairman), Malcolm Ellis (Vice-Chairman), James Keys (Independent member), Councillors Philip Corthorne, Catherine Dann, Paul Harmsworth, John Hensley, Mo Khursheed and David Yarrow

**Officers Present:** Raj Alagh and Lloyd White

**Also Present:** Councillor Mary O'Connor

### **1. DECLARATIONS OF INTEREST**

There were no Declarations of Interest received

### **2. MINUTES**

The minutes of the meetings of the Committee held on 10 March and 14 May 2009 were agreed as an accurate record.

### **3. EXCLUSION OF THE PRESS AND PUBLIC**

It was confirmed that the business of the meeting would be conducted in public with the exception of item 8 on the agenda

### **4. STANDARDS COMMITTEE TERMS OF REFERENCE**

The Chairman, in welcoming new Members, outlined the Terms of Reference of the Committee which, it was noted, were a standard set, common to most authorities but also tailored to suit Hillingdon's requirements. It was confirmed that officers working for the Council were also obliged to make declarations of interests in planning matters should they arise and it was agreed that the Monitoring Officer would circulate a reminder to this effect.

**5. SETTING HIGH ETHICAL STANDARDS**

The Committee reviewed the action plan arising from the Audit Commission report dated June 2008, 'Setting High Ethical Standards'. Members were pleased to note that all the actions were either complete or ongoing.

**6. STANDARDS BOARD FOR ENGLAND BULLETIN NO.S 42 & 43**

The latest editions of 'The Bulletin' were noted. The Standards Committee (Further Provisions) Regulations 2009 were highlighted which included provision for the creation of joint Standards Committees. However it was confirmed that there were no proposals for Hillingdon to create a joint committee with other authorities.

**7. COMPLAINTS MONITORING**

This item was discussed in Part II without the press or public present as it contained confidential or exempt information as defined in the Local Government (Access to Information) Act 1985.

It was agreed that the Monitoring Officer would circulate the process for the hearing of complaints to all Members and substitute Members of the Committee.



## New regulations come into force

In [Bulletin 42](#) we explained that regulations were being prepared to allow the Standards Board to suspend the initial assessment functions of an authority and to enable authorities to establish joint standards committees. The Standards Committee (Further Provisions) Regulations 2009 came into force on 15 June 2009. [Guidance about establishing joint standards committees](#) has been issued by the Standards Board to coincide with the regulations.

The regulations are much as expected and you may wish to refer to the [relevant article in Bulletin 42](#) for a summary of what they contain.

The regulations also amend the powers of standards committees to grant dispensations to members who would otherwise be unable to take part in authority business because of a prejudicial interest. There is a separate article about dispensations in this Bulletin and [guidance has also been issued](#) on our website.

## Changes to criteria for granting dispensations

The Standards Committee (Further Provisions) (England) Order 2009 makes changes to the criteria for granting dispensations for members to speak and vote when they have a prejudicial interest.

A standards committee can grant a dispensation to a member:

- where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting **OR**
- where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

To decide whether these criteria apply, members must ignore any dispensations that have already been given to others at the meeting. The requirement to ignore any dispensations already granted means that any previously granted dispensations are disregarded for the purposes of working out whether the two circumstances above apply.

So, if there were ten members on a committee, six of whom would not be able to vote on some business, all six can claim a dispensation. If previously granted dispensations were not disregarded, a situation could arise where once two people had been granted

dispensations, the remaining four would be ineligible. This is because at that point there would be less than 50% of the committee who could not vote.

Even if the criteria apply, members cannot get a dispensation to:

- allow them to take part in voting at an overview and scrutiny committee about a decision made by any body of which they were a member at the time the decision was taken
- allow an executive member with a prejudicial interest in an item of executive business to take an executive decision about it on their own

Ultimately it is for an authority's standards committee to decide what criteria they will apply when considering a request.

The criteria that will be applied and the process that will be followed should be made available to all members by the standards committee.

By law, a member must submit an application in writing for consideration by the standards committee. It is up to the standards committee whether or not they grant a dispensation and there is no right of appeal from their decision.

A standards committee can decide the nature of any dispensation it grants. For example, the dispensation may allow a member to speak and not vote, or to fully participate and vote. The committee can also decide how long the dispensation should apply, although it cannot be longer than four years.

After four years has elapsed since a dispensation was granted, it can no longer be used.

The decision must be recorded in writing and must be kept with the register of interests maintained by the monitoring officer.

We have issued new guidance on dispensations to reflect the new regulations. The guidance can be found by clicking [here](#).

## **Standards Board responds to CSPL inquiry**

The Standards Board has responded to the inquiry into MPs' expenses held by the Committee on Standards in Public Life. You can view our response to the Committee on Standards in Public Life's inquiry by clicking [here](#).

## **Support for Code of Conduct 'remains high'**

Newly-published research suggests that member behaviour is improving and that support for the Code of Conduct remains high.

The Standards Board surveys the level of satisfaction in local government with our performance, and attitudes to the ethical environment, every two years. This year we commissioned BMG Research to carry out this survey on our behalf. As some of you may know, the survey was first undertaken in 2004 and was repeated in 2007.

The report's key findings are:



- 62% consider us successful in keeping local government, in general, informed about what we are doing (52% in 2007 and 46% in 2004). We are committed to making continuous improvements in this area.
- Support for the Code of Conduct remains high - 94% support the requirement for members to sign a Code of Conduct (93% in 2007 and 84% in 2004)
- 47% of respondents stated that they think members standards of behaviour have improved (44% in 2007, 27% in 2003).
- 75% of stakeholders have confidence in the way their local standards committee deals with complaints about members.
- This year we also asked respondents if they support the requirements for an officer's code - 88% of members expressed support for a requirement for an officer's code compared with 70% of monitoring officers and 78% of town/parish clerks. We will be feeding this information back to the department for Communities and Local Government.

Questions asked in the survey covered a number of areas including:

- attitudes to the Standards Board and ethical environment
- perceptions of the Standards Board
- views on our publication and website
- suggestions for ways in which we can improve our communication

In total, BMG received 1,973 completed questionnaires; this represents a response rate of 44% among town and parish councils, and 32% among principal and other authorities.

The research findings allow us to identify strengths and weaknesses, as well as demand for our services. In this way we can tailor our communications and advice and guidance to the needs of our stakeholders. Since the research also collects data on attitudes to the ethical environment, we can also use it to help us assess the impact of the standards framework.

Thank you to everyone who participated in this survey, it is only through your continued support with our research that we are able to track the progress we are making.

A copy of the full report can be downloaded by clicking [here](#).

For further information, please contact:

Cara Afzal (Deputy Research and Monitoring Manager) on 0161 817 5314 or email [cara.afzal@standardsboard.gov.uk](mailto:cara.afzal@standardsboard.gov.uk).

## **Studying the impact and effectiveness of the ethical framework in local government**

In 2006, we commissioned Cardiff University to carry out a five-year project to identify the impact of the standards framework within nine local authorities. Year one of this study is now complete.

This project also involved a survey of the public within the nine areas to identify any link between the activities of a local authority and public perceptions. This research is being led by Dr Richard Cowell from the Centre for Local and Regional Government Research.

The research aims to address three main questions:

- Has the ethical framework caused any changes in local government processes and systems, and culture and values?
- Has the ethical framework had any effect on the conduct of councillors?
- Has the ethical framework had any effect on public attitudes to local government either directly, or through any changes in council processes and/or councillor conduct?

### **What has the research found so far?**

**Changes in processes, systems, culture, and values:** The research identifies that, in most councils, the ethical framework and standards have become established and accepted as part of corporate life. The majority of respondents are positive about the move towards local regulation (apart from a concern about costs). The formal components of the ethical framework are being implemented successfully and there is some desire among those interviewed for committees to take a more pro-active role in promoting good conduct.

**The conduct of councillors:** The research reveals many feel that the conduct of councillors has improved in recent years, and that ethical issues are being treated seriously. There also seems to be widespread support for the view that the ethical framework has been beneficial. Councils with better conduct tend to make more effort to continually train and remind councillors of their responsibilities, and to make involvement in training mandatory. The ethical framework has helped improve conduct by acting as a regulatory mechanism, being used to support the sanctioning, demotion or resignation of councillors who have caused serious ethical problems.

**Effect on public attitudes:** The research found that more positive public survey responses for trust are achieved in councils displaying good standards of conduct. In addition, councils with high levels of trust tend to be well managed. Nearly half of the public survey respondents were confident that their local authority would uncover breaches in standards of behaviour by a councillor. Furthermore, a similar proportion believe that those breaching the Code would be dealt with effectively.

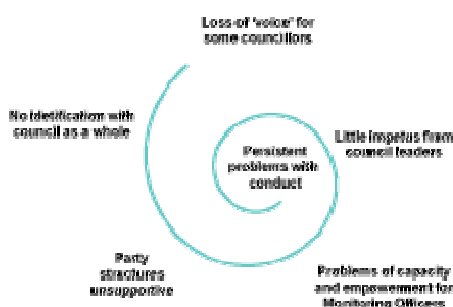
The research has also highlighted two very useful typologies, “Virtuous circles”, and ‘Spirals of despair’.

- **“Virtuous circles”** - refer to those organisational and cultural factors that lead to effective use of the ethical framework and good conduct
- **“Spirals of despair”** - are factors that result in poor conduct

### Virtuous Circles



### Spirals of despair



For more details on these factors, please click [here](#) to read the full report.

We are committed to making findings from our research accessible to our stakeholders and to this end we will continue to use various forums to disseminate the findings.

If you have any thoughts on this report, or the usefulness and accessibility of other Standards Board research please do not hesitate to contact Cara Afzal, Deputy Research and Monitoring Manager on 0161 817 5414, or email [cara.afzal@standardsboard.gov.uk](mailto:cara.afzal@standardsboard.gov.uk).

## Quarterly returns – one year on

We have been collecting quarterly returns for a year now and so take the opportunity to reflect on how the local framework has bedded in.

Firstly, we would like to thank all monitoring officers and their colleagues who made returns to the Standards Board. We are delighted with the consistent high level of completed returns. For quarter four – as with quarter two – we received a return from every authority. This was a particularly good achievement as we asked those authorities that were being abolished to send their returns earlier than the normal schedule.

Undoubtedly, these authorities were under extreme pressure preparing for the transition to unitary status.

We do not underestimate how difficult it must have been to find time to complete the quarterly returns. We are hopeful that the impressive return rate will continue into the next financial year.

The next collection period for the 1 April – 30 June quarter will be 1-14 July.

## What can we tell from the first year's worth of data?

### Standards committees

Quarterly returns tell us that a typical standards committee has **10** members. In an authority without parishes it has **9** members, including **4** independent members. In an authority with parishes it is slightly larger with **11** members, including **4** independent members and **3** parish representatives.

On average, district and metropolitan councils have the largest standards committees and police authorities have the smallest. Standards committee composition has remained constant through all quarters

### Case handling

A total of **2,863** cases have been recorded on quarterly returns so far. This covers the time period 8 May 2008 to 31 March 2008. **345** authorities have dealt with at least one case during the first year. Of all the authorities with cases, the average recorded is **2** per quarter, a total of **8**.

It is still perhaps too early to identify trends and make generalisations, but it is interesting to note that in quarter 4, the number of cases received under the new framework is very similar to the previous two quarters (see chart below). This may indicate that the case load is levelling out, now that potential complainants are aware of the new system.

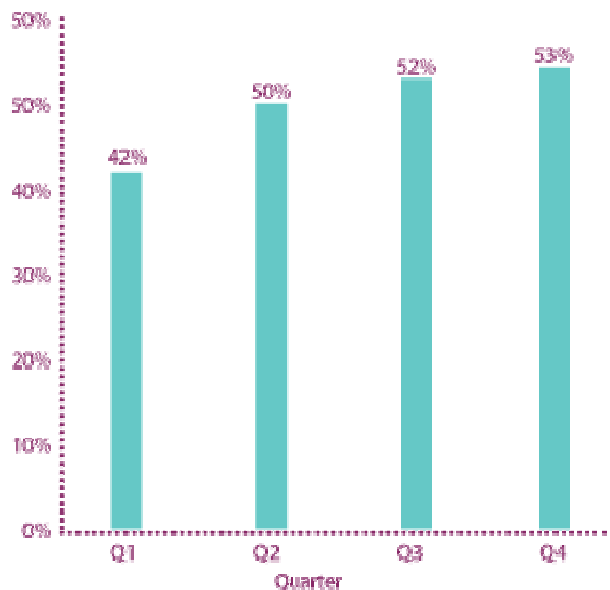


The majority of complaints, **54%**, are made by the public and **36%** are from council members. The remaining **10%** are from a combination of officers, parish or town clerks, MPs, monitoring officers, and those that fall into the category of 'other'. Again, these percentages have seen little change during the year.

### Initial assessment

The percentage of cases where no further action is taken is increasing each quarter.

### Percentage of no further action decisions



There have been 526 review requests through the year and 384 of these have been assessed. **94%** have remained 'no further action' and the other 25 (**6%**) were either referred for investigation or referred to us.

There are 224 cases with investigation outcomes recorded on quarterly returns. In **71%** of cases, no breach of the Code was found. In **25%** of cases, a breach was found and a penalty was imposed, and in **4%** of cases a breach was found but no further action was taken.

More details about the quarterly returns, such as what breaches of the Code have been recorded, can be found on our website by clicking [here](#). You can also contact the monitoring team on 0161 817 5300 or email [authorityreturns@standardsboard.gov.uk](mailto:authorityreturns@standardsboard.gov.uk).

## Good response for annual returns

We are very pleased with the number of returns we have received for the annual return questionnaire, which was launched on 20 April 2009.

As of 29 May, 95% of authorities had completed a return. This figure includes the new unitary authorities, which completed a shortened version.

We are now entering the analysis phase and first impressions are that there is a good range of notable practice to share with standards committees. More information about our findings will follow in future *Bulletins* and on our website.

## Probity in Planning Guidance Issued

The Local Government Association has recently published a revised guidance note on good planning practice for councillors and officers dealing with planning matters.

This 2009 update provides refreshed advice on achieving the balance between the needs and interests of individual constituents and the community and the need to maintain an ethic of impartial decision-making with regards to planning decisions.

For more information please see the [LGA website](#).

## A new look

From July this year there's a new look and feel to our communications – and we're introducing an abbreviated version of our name: Standards for England.

We've made this switch to emphasise how our role has changed over the past 18 months. During that time we've moved from being an organisation focused mostly on handling complaints to the strategic regulator of standards among local politicians. We'll be telling you more about our new role in our corporate plan, which will be available shortly.

And in our new role we're all about Standards for England.

We believe in principled local politics. Working with local authorities, their monitoring officers and local standards committees, it's our job to champion and promote high standards of conduct among our local politicians. We want to make sure the public are in no doubt that standards and principles matter to local government.

We've made changes after sampling the views of key stakeholders, including those in local government. We asked: what leadership do you expect from us? Our communications will do more to highlight the positive aspects of conduct; making the point that ethical behaviour is both a good thing in itself and good for local democracy.

You can read more about our refreshed identity on our website from 1 July. We'll be introducing style changes to our publications and our website over the next few months. We hope you'll like them, and as always we'll welcome your feedback.

We believe in Standards for England. We hope you do too.

## Standards Committee Regulations

**Officer Contact**

Lloyd White, Deputy Chief Executive's Office

**Papers with report**

None

### Summary of Report

The report summarises the recent changes to the Standards Committee Regulations.

**RECOMMENDATION: That, the Committee note the contents of the report.**

### BACKGROUND

1. The Government has recently made regulations to implement some of the outstanding provisions relating to standards introduced by the Local Government and Public Involvement in Health (LGPIH) Act 2007. The Standards Committee (Further Provisions) England Regulations 2009 (Statutory Instrument 2009/1255) cover the power of the Standards Board for England (which has changed its name to Standards for England) to suspend arrangements for the local initial assessment of complaints, the power for local authorities to establish joint standards committees and the power for standards committees to grant dispensations to local authority Members to allow them to participate in meetings even when they have prejudicial interests.
2. These regulations came into force on 15 June 2009. The provisions on dispensations apply to relevant authorities in England (including London boroughs) and police authorities in Wales. The provisions on suspension of initial assessment functions and joint standards committees apply only to relevant authorities in England.
3. **Initial Assessment of Complaints** - the LGPIH Act 2007 amended Part III of the Local Government Act 2000, which regulates the conduct of local authority Members. The 2007 Act introduced a system in which assessment of allegations of breaches of the Code of Conduct of local authorities would be undertaken by the local authorities' own standards committees. However, provision was made, at section 57D of the Local Government Act 2000, for the Standards Board for England in prescribed circumstances to suspend the initial assessment functions of local standards committees and direct them to refer allegations to the Standards Board for England or to the standards committee of another local authority. These regulations specify the circumstances in which the Standards Board for England may give such a direction. These are:
  - The standards committee has failed to have regard to guidance issued by the Standards Board.
  - The standards committee has failed to comply with a direction issued by the Standards Board.
  - The standards committee or the local authority's monitoring officer has failed to carry out functions in a reasonable time or a reasonable manner.
  - The local authority or its standards committee has invited the Standards Board to give a direction.

4. Before giving a direction suspending functions of a standards committee, the Standards Board must notify the authority in writing. This notice must set out the Standards Board's intention to give a direction and the reasons for this and set a date, no later than six months from the date on which the notice is served, before which a direction may be given. The Standards Board must send a copy of the notice to the chair of the standards committee and the Monitoring Officer. The notice must give the authority at least 28 days to submit observations to the Standards Board and the Standards Board must take account of any observations it receives before deciding whether to give a direction.
5. If the Standards Board decides to go ahead with giving a direction, it must serve this in writing on the authority specified in the direction. It must send a copy to the chair of the standards committee and the Monitoring Officer of the specified authority and also to the chair of the standards committee of any other authority referred to in the direction. A direction issued by the Standards Board must include the following:
  - Details of the date from which it is to take effect
  - Reasons why it has been given
  - Details of the identity of any body which will deal with the initial assessment of any written allegations received by the standards committee
  - A requirement for the specified authority to arrange for details of the direction to be published in at least one local newspaper, on the authority's web page if the Standards Board considers this appropriate, and in any other publication considered appropriate by the Standards Board.
6. If the Standards Board gives such a direction, the regulations provide for the Standards Board to revoke it if it is satisfied that the circumstances which led to the direction no longer apply. It must do this by serving written notice on the specified authority. As with the direction, a copy of the revocation notice must be sent to the chair of the standards committee and the monitoring officer of the specified authority and also to the chair of the standards committee of any other authority referred to in the direction. It must also require the authority to arrange for details of the direction to be published in at least one local newspaper, on the authority's web page if the Standards Board considers this appropriate, and in any other publication considered appropriate by the Standards Board.
7. Whilst a direction from the Standards Board remains in force, the Standards Board may serve a notice on the relevant authority, specifying a different body to deal with the initial assessment of written allegations received by the standards committee. A copy must be sent to the chair of the standards committee and the Monitoring Officer of the specified authority and also to the chair of the standards committee of any other authority referred to in the direction.
8. **Joint Standards Committees** - The regulations allow two or more local authorities to set up a joint standards committee to discharge all or some of their standards functions in Part III of the Local Government Act 2000 or functions relating to local authority members, officers, staff and committees in Part I of the Local Government and Housing Act 1989.
9. Once a local authority has arranged for a joint standards committee to have responsibility for a particular function, the individual local authority would no longer be able to exercise that function itself. If a joint standards committee is responsible for all the functions of a standards committee under Part III of the Local Government Act



2000 and Part I of the Local Government and Housing Act 1989, then the joint standards committee is to be treated as the standards committee of each of the local authorities that set it up.

10. The membership of a joint standards committee must include at least one Member from each local authority that establishes it but it must not include any more than one Member of the executive of any of those local authorities in total. Joint standards committees are also able to appoint independent members separately or independently in accordance with the requirements of the Standards Committee (England) Regulations 2008. There are also requirements for a member of each authority which establishes a joint standards committee to be present at meetings where particular functions are discharged in order for the meeting to be quorate and for at least one parish council member to be present when this relates to a member or a former member of a parish council.
11. The local authorities which establish a joint standards committee must agree its terms of reference and send details of these to the Standards Board. They must also send the Standards Board details of any revisions to the joint standards committee's terms of reference. The terms of reference must do the following:
  - Identify the joint standards committee's functions
  - Make provision for its administrative arrangements
  - Specify, for each authority involved in the establishment of a joint standards committee, which committee is the standards committee to which written allegations of breach of the authority's code of conduct may be sent
  - Specify the number of members to be appointed to the joint standards committee by the authorities establishing it
  - Make provision for the joint standards committee to appoint members to its sub-committees
  - Specify what provision is made for the payment of allowances to members of the joint standards committee
  - Make provision for an authority to withdraw from the joint standards committee upon service of notice.
12. The regulations provide for the expenses of a joint committee to be met by the authorities that establish it, in the proportions they agree. If they disagree, the regulations provide for the proportions to be determined by a single arbitrator agreed on by the appointing authorities.
13. The Standards Board's power to give a direction to suspend the initial assessment functions of a standards committee applies in respect of joint standards committees.
14. **Dispensations** - The Members' Codes of Conduct which have been adopted by local authorities require Members to withdraw from meetings of their authorities when any matters in which they have a prejudicial interest is being discussed. However, they are not required to do so if they have obtained a dispensation from their local authority's standards committee. The regulations set out the circumstances in which standards committees may grant dispensations to a member. These are:
  - The transaction of business of the authority would be impeded because either more than 50% of the members who would otherwise be entitled to vote at a meeting would be prohibited from voting unless they are granted a dispensation or the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting unless dispensations are granted, and

- The member has submitted a written request to the standards committee for a dispensation, explaining why it is desirable, and
- The standards committee concludes that, having regard to the fact that the business of the authority would otherwise be impeded and to the written request and to any other relevant circumstances, it is appropriate to grant the dispensation.

15. The regulations restrict the grant of a dispensation to business conducted during the period of four years after the date on which the dispensation is granted. They also prohibit the grant of a dispensation to allow a Member of an overview and scrutiny committee to participate in the scrutiny of a decision in which that Member was involved or to allow an individual member of a local authority's executive to exercise executive functions solely.

16. The regulations require standards committees to ensure that the granting of any dispensation is recorded in writing and that this is kept with their local authority's register of members' interests.

17. **Guidance** - The Standards Board has published guidance documents on the establishment of joint standards committees and on the granting of dispensations. Copies of these are available from the Standards Board's website at: <http://www.standardsforengland.gov.uk/TheCodeofConduct/Guidance/>

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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