

REPORT OF CENTRAL SERVICES COMMITTEE

(Meeting held 1 December 1998)

1. CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS (REPORT A) (MINUTE NO. 41)

Following the reference back from the Council at its last meeting, the Committee has once again considered the proposed Code of Conduct for Councillors and Officers dealing with planning matters.

This further consideration took place in the light of information gained at the seminar on the proposed Code on 23 November. The seminar, which was well attended by members, was conducted by Mr Peter Towler, a barrister with extensive experience in members' interests, planning law and administration. Mr Towler reinforced the information previously given to members that the proposed Code was not introducing new restraints on members but was merely bringing together in one document best practice which should already be followed by Councillors and officers. The one exception to this was the practice followed by this authority in the conduct of planning site visits. For a number of reasons, Mr Towler considered that formal site visits by members should be held in exceptional circumstances only and, where they are held, the procedures for planning inquiry site visits should be followed. Because of these concerns, both the Council Standards Sub-Committee and the Central Services Committee recommend that the Planning and Transportation Committee be requested to review their procedures for the conduct of site visits as a matter of urgency.

The main concern expressed at the last meeting of the Council appeared to be that members felt that they would be unable to represent adequately the views of the communities if the provisions of the Code were followed. Mr Towler pointed out that in determining planning applications Councillors had a wider role to fulfil than representing their communities. It was therefore imperative that conclusive views were not expressed before decisions on an application were taken.

The Central Services Committee is of the view that the Code as previously recommended to the Council should be adopted, but that, as mentioned above, the procedures for site visits should be reviewed. The Committee recognises Councillors' concerns but considers that the Code will be of assistance in guiding and informing them on best practice to be followed.

RECOMMENDED:

- (a) That the Code of Conduct for Councillors and Officers dealing with Planning Matters, as set out in Annex 1 to this report, be adopted with effect from 5 January 1999;**
- (b) That the summary document attached at Annex 2 to this report be approved and included in the Members' Year Book and the Members' Hand Book; and**

(c) That the Planning and Transportation Committee be requested to review, as a matter of urgency, arrangements for the conduct of site visits by the Development Control Sub-Committee.

2. HOLDING ACCOUNTS REVISED 1998/99 AND ORIGINAL 1999/2000 (REPORT D) (MINUTE NO 44)

The Committee has reviewed the budgets for the Council's staffing, offices, depots, corporate and democratic processes. These include the staffing and associated business unit costs of each Directorate. In accordance with the Council's internal market policy, any surplus/deficit is transferred to the Central Services Committee's budget or, where relevant, to the Housing Revenue Account.

The Committee was pleased to note that for the year 1998/99 the Holding Accounts total £180,710 less than the figure reported with the Expenditure Plans, while the 1999/2000 budget is £143,370 less than predicted. Members were, however, advised to treat these figures with caution as the 1998/99 Revised Budget and 1999/2000 Estimates have not yet been finalised and further changes might occur.

The Committee has approved the Holding Account estimates for incorporation into Service Committee budgets and submission to the Policy and Resources Committee in February.

3. COUNCIL TAX AND HOUSING BENEFIT ADMINISTRATION (REPORT E) (MINUTE NO. 46)

Members have considered in private session a report on the administration of housing benefit and council tax following the award of the Local Taxation and Benefits Contract to New Forest Tax and Benefits Service in July.

At the same time the Committee has considered a number of initiatives which will have an impact on the nature of service delivery in the future. These include steps to implement the Verification Framework following the success of the Council's bid to become a pilot for the Framework. Pilot status carries with it an element of funding. The implementation of the Verification Framework will become compulsory in due course.

It is proposed to implement the Framework fully by 31 May 1999. It has not been possible accurately to estimate the full cost of implementation or the impact on employee resources as the final framework documentation has not been received from the Department of Social Security. However, it is estimated at this stage that costs will be -

Set Up	79,040
DSS Funding	<u>47,040</u>
Balance to be met by Council	32,000
Ongoing Costs	111,000
DSS Funding	<u>78,400</u>
Balance to be met by Council	32,800

Under the proposed Verification Framework, Councils will be under an obligation to carry out a number of additional measures to validate claims for benefit. The purpose of the Framework is to exercise greater control in the awarding of benefits which should lead to further reductions in fraudulent claims.

Following comments made by the District Auditor, the Committee recommends the adoption of a formal policy regarding prosecutions for Housing and Council Tax Benefit.

RECOMMENDED:

That the prosecution policy statement set out in Annex 3 to this report be approved.

**Councillor N D M McGeorge
CHAIRMAN**

(ctteemtg/cttee/cn011298)report

NEW FOREST DISTRICT COUNCIL**LOCAL CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS****1. GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS**

- 1.1 Legislation emphasises the overriding requirement that the public are entitled to expect the highest standards of conduct and probity by all persons holding public office and in particular that when dealing with planning matters only material planning considerations are taken into account. There are statutory provisions and codes setting standards which must be followed if the public perception of the integrity of public service is to be maintained and improved.
- 1.2 Whilst this Code deals primarily with planning applications the principles apply with equal vigour to consideration of Structure Plans, Local Plans, Development briefs, enforcement cases and all other planning matters. Insofar as Structure and Local Plans are concerned, this Code (subject to the overriding Statutory Provisions relating to pecuniary interests and the National Code of Local Government Conduct) does not preclude Councillors from taking part in any discussions relating to general principles of land allocation policies outside the Council's formal meetings arrangements providing such discussions do not include reference to individual site allocations.
- 1.3 Members are reminded that they are required to comply with the Statutory Provisions on the Disclosure of Pecuniary Interests (Annex A) and the National Code of Local Government Conduct (Annex B).
- 1.4 Section 54A of the Town and County Planning Act 1990 requires all planning applications to be determined by reference to the Development Plan, if material to the application, and any other material consideration. If the Development Plan is material to the application then the statutory position is that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The emphasis in determining applications is upon a plan led system.
- 1.5 Officers involved in the processing and determination of Planning matters must also act in accordance with the Council's Code of Conduct for Council Employees and with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct. (Annex C).
- 1.6 This Code is supplemental to the provisions referred to above and provides further specific advice and guidance for Members and Officers involved in planning matters. The overriding principle is that Members should not favour any individuals or groups and must represent their constituents as a body and vote in the interests of the District as a whole. Whilst Members should take account of all views expressed, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.

- 1.7 Members and Officers should not accept gifts or hospitality. If, however, a degree of hospitality is unavoidable, it should be ensured that this is of the minimum and its receipt is declared as soon as possible. Members should send written notice to the Director of Finance and Administration. Officers should notify their Director. In all cases details must be entered in the hospitality record book.
- 1.8 Officers must always act impartially. The Council will review, on a regular basis, the restrictions adopted on outside activities under the Local Government and Housing Act 1989 under which private work and interests are declarable.

2. DECLARATION AND REGISTRATION OF INTERESTS

- 2.1 Members should observe the guidance on declaring pecuniary and non pecuniary interests as set out in:-
 - (i) the Statutory Provisions on the Disclosure of Pecuniary Interests (Annex A); and
 - (ii) the National Code of Local Government Conduct (Annex B);
 - (iii) "The Guidance for Good Practice on Members' Interests", published by the Commission for Local Administration". (Annex D).
- 2.2 The register of Members' Interests maintained under the Local Government and Housing Act 1989 will be updated at least every twelve months. Where any changes occur to Members interests, whether by way of addition or deletion, they should be notified, to the Director of Finance and Administration as soon as they occur, by the Member concerned.
- 2.3 Councillors who have substantial property interests, or other interests which would prevent them from voting on a regular basis, should avoid serving on the Planning and Transportation Committee.
- 2.4 Guidance on what constitutes a pecuniary or non pecuniary interest is contained in the National Code of Local Government Conduct and in the Ombudsman's Guidance. The guiding rule is that a Member should not use his/her position to further a private, or personal interest, rather than the general public interest, or give grounds for such suspicion. The test for deciding whether a non pecuniary interest should be declared is whether a member of the public, knowing all the facts, would reasonably think that the Councillor might be influenced by it. If so, then not only must the interest be disclosed, but the Councillor should withdraw from the meeting and take no further part in the relevant proceedings. The responsibility for declaring an interest lies with the individual Councillor. A District Councillor who is also a Parish/Town Councillor will not have any declarable interest in a planning application made by a private individual simply as a result of the Parish/Town Council having submitted observations to the District Council on that application or as a result of his/her vote on the Parish or Town Council.

2.5 Whilst seminars are held after the Council elections to give guidance to Members on the declaration of interests, and any other issues in the National Code, Members of the Planning and Transportation Committee will receive specialised training in relation to planning regulations and procedures, and the practical operation of this Local Code and the Development Plan (ie. Structure and Local Plans).

3. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS, AND COUNCIL DEVELOPMENT

3.1 Serving Councillors and Officers should never act as agents for individuals (including a company, group or body) pursuing a planning matter. If Councillors or Officers submit their own development proposal to the Council, they should take no part in its processing. The Council's Monitoring Officer (the Managing Director) should be informed of all such proposals as soon as they are submitted.

3.2 Proposals submitted by Councillors and Officers should be reported to the Planning and Transportation Committee as main items and not dealt with by Officers under delegated powers. As part of the report the Director of Environment Services should confirm that the application has been processed normally.

3.3 Proposals for the Council's own development (or a development involving the Council and another party) should be treated in the same way as those by private developers and in accordance with guidance given in Circular 19/92. This Circular outlines that the same administrative process, including consultation, should be carried out in relation to the Council's own planning applications, and that they should be determined against the same policy background (ie. the Development Plan and any other material planning considerations). This paragraph also applies to private applications in respect of Council owned land (eg. prior to a land sale being agreed or negotiated). Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted. It is important that the Council is seen to be treating such applications on an equal footing with all other applications as well as actually doing so.

4. LOBBYING OF AND BY COUNCILLORS, AND ATTENDANCE AT PUBLIC MEETINGS

4.1 If members are to undertake fully their constituency roles it is inevitable that they may, or will be, subject to lobbying on planning matters and specific planning applications. Great care is essential to maintain the Council's, and indeed the Members own, integrity and the public perception of the planning process when members are lobbied.

- 4.2 Taking account of the need to make decisions impartially Members should not favour, or appear to favour, any person, company, group or locality. Members who fully commit themselves to a particular view on a planning issue prior to its consideration at Committee or Council must consider whether the public, or any other person, would believe that they have prejudiced their position and can take part in a debate on the full facts before determining the application. If the Member feels that the public would believe he/she had come to a conclusive view on the planning matter or application before the meeting then he/she should not take part in the debate on, or vote on the issue.
- 4.3 Where the Monitoring Officer believes that a member has prejudiced his/her position by expressing a conclusive view on an application before its determination by the Committee, the Monitoring Officer will advise the member that it would be inappropriate for him/her to take part in the debate, or vote on the application.
- 4.4 Councillors who will be involved in the determination of a planning matter relating to a specific site at any meeting should, prior to the meeting, listen to a point of view about a planning proposal and where the applicant requires planning or procedural advice then refer the person in question to Officers. In most cases, particularly for matters which are likely to be controversial, Councillors should not indicate (or give the impression of) support or opposition to a proposal in a manner which suggests he/she has a closed mind to any views or further information which may be available at the meeting at which the planning matter is discussed. In particular Councillors should not declare their voting intention before the meeting at which a decision is to be taken. To do so without all relevant information and views would be unfair and prejudicial and may amount to maladministration.
- 4.5 Whilst Councillors involved in making decisions on planning matters will begin to form a view as more information and options become available, a decision can only be taken by the Planning and Transportation Committee when all available information is to hand and has been duly considered. Individual members should reach their own conclusions on an application or other planning matter rather than follow the lead of another member. In this regard, any political group meetings prior to Committee meetings should not be used to decide how Councillors should vote. Decisions can only be taken after full consideration of the officers report and information and discussion at the Committee.
- 4.6 The Chairman and Vice-Chairman should attend a briefing with officers prior to Committee, to help them give an effective lead in Committee. Such a briefing with officers will be available to other Spokespersons on the Committee, if requested.
- 4.7 Councillors involved in the decision making on planning matters should not organise support or opposition to a proposal, lobby other Councillors, act as an advocate or put pressure on officers for a particular recommendation. However, other Councillors (who are not part of the decision making process) within that Members Ward can make representations and address the relevant Committee.
- 4.8 If a Member involved in determining planning matters has responded to lobbying by openly advocating a particular course of action prior to a Committee meeting, that Councillor should declare a non-pecuniary interest and not take any part in the decision making process. In this connection Members and Officers particular attention is drawn to paragraphs 4.2 and 4.3 above.

- 4.9 Councillors (in particular Members involved in determining planning matters) who find themselves in a lobbying situation, should actively take steps to explain that whilst they can listen to what is said, it prejudices their impartiality to express a firm point of view or an intention to vote one way or another.
- 4.10 Officers involved in the processing or determination of planning matters should not attend public meetings in connection with development proposals (ie. pre-application) or submitted planning applications unless those meetings have been arranged by or with the express agreement of the Council. To do so could lead to allegations of bias or prejudice in relation to a particular point of view. If put in such a position of attending meetings arranged by, or with the consent of the Council, or by accident, officers should only provide information by way of explaining background or policy and give no view on the merits or otherwise of the proposal.
- 4.11 Similarly Members involved in the determination of planning applications should take great care to maintain impartiality when attending public meetings in relation to planning matters. At such meetings it is preferable for no view on the merits or otherwise of a proposal to be given. But if a view is expressed it should be made clear that that view is based on the information available at that time and a conclusive decision can only be made when all relevant information is available at the meeting at which the matter is to be determined.
- 4.12 If Members consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer, who will in turn advise the appropriate officers (usually the Directors of Finance and Administration and Environment Services).

5. OFFICERS' PRE-APPLICATION DISCUSSIONS WITH APPLICANTS

- 5.1 In any discussions on planning issues, it will always be made clear at the outset, that such discussions will not bind the Council to make a particular decision, and that any views expressed are based on the officers provisional professional judgement but do not commit the Council to any particular decision .
- 5.2 Advice given will be consistent and based upon the Development Plan (ie. Structure and Local Plans) and other material considerations. Every effort will be made to ensure that there are no significant differences of interpretation of planning policies between planning officers.
- 5.3 A written note will be made of pre-application discussions where appropriate and two or more officers will attend potentially contentious meetings, with a follow up letter sent, particularly when material has been left with the Council.
- 5.4 Every effort will be made to ensure that advice is not partial, nor seen to be.
- 5.5 To maintain impartiality it is preferable that Councillors do not take part in the officers' pre-application discussions with applicants. Should there be occasions when Councillors are involved, they will be advised by the appropriate professional officers of the Council, which will always include a senior planning officer. The involvement of Councillors in such discussions will be recorded as a written file record.

6. OFFICER REPORTS TO COMMITTEE

- 6.1 Reports to Committee on planning matters must be accurate and cover all relevant points. Where a planning application is subject to a full report this will refer to the provisions of the Development Plan, and all other relevant material planning considerations. Where appropriate this will include a full description of the site and any related planning history.
- 6.2 All reports will have a written recommendation of action/decision, and oral reporting (other than to update an existing report) will only be used on rare occasions and carefully minuted when this does occur.
- 6.3 All reports will contain a technical appraisal which clearly justifies the stated recommendation.
- 6.4 All reasons for refusal and conditions to be attached to permissions must be clear and unambiguous.

7. THE DECISION MAKING PROCESS AND DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR THE DEVELOPMENT PLAN

- 7.1 In determining all types of applications submitted pursuant to the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and The Hazardous Substances Act 1991 the Council will follow the Guidelines adopted and attached as Annex E to this Local Code. This will be subject to change from time to time to reflect government guidance and case law.
- 7.2 At meetings of the Planning and Transportation Committee and the Development Control Sub-Committee applicants/agents, Parish and Town Councils, and other interested parties will be allowed to address members in accordance with the scheme of public participation in operation at the time of the meeting.
- 7.3 In discussing, and then determining, a planning application or other planning matter Members will confine themselves to the planning merits of the case and the reasons for making a final decision should be clear and convincing, and supported by planning evidence. If members wish to, refuse an application against officer advice, or impose additional conditions to a permission, the reasons for refusal or the additional conditions to be applied must be clearly stated at the time the propositions are moved at the meeting.
- 7.4 If a resolution is passed which is contrary to a recommendation of the Director of Environment Services (whether for approval or refusal) a detailed Minute of the Committee's reasons will be made and a copy placed on the application file. Officers should also be given the opportunity to explain the implications of the contrary decision. In addition the manner of voting of individual members shall upon their request, be recorded in the minutes.
- 7.5 Conscious of the public arena in which planning decisions are made, Members will conduct the business of the Planning and Transportation Committee in a fair and sensitive manner. The debate on a planning application will be confined to the planning merits of a development proposal. In addition members and officers will address one another during the debate in a proper manner and shall not refer to one another by first names.

- 7.6 If the report of the Director of Environment Services recommends approval of a departure from the Development Plan, the justification for this should be included, in full, in the report.
- 7.7 Senior Legal and Planning Officers should always attend meetings of the Planning and Transportation Committee and its Sub-Committees which deal with planning matters, to ensure that procedures have been properly followed and planning issues properly addressed.
- 7.8 Members with an interest, which they are under an obligation to declare, should withdraw from the meeting and not speak or vote in the decision making process. If they insist on so doing the decision reached by the relevant Committee is likely to be void on the basis of being contrary to the rules of natural justice. In addition those Members, who have come to and indicated before the meeting that they had reached a conclusive view on an application or other planning matter, should carefully consider whether their continued involvement in determining the application or other matter would prejudice the integrity of the planning process. Their continued involvement could amount to maladministration. In this connection members attention is drawn to the advice in paragraph 4 above.
- 7.9 Where a member wishes to support the Council or an appellant in respect of any appeal against an application refused, or an Enforcement Notice issued, by the Council, that member shall as a matter of courtesy give written notice of his/her intention to the Director of Finance and Administration and the appellant. Where in these cases the appeal is to be dealt with at an inquiry such notice shall be delivered to the Director of Finance and Administration and the appellant normally not less than five working days before the commencement of the inquiry.
- 7.10 In deciding whether to make representations in a personal or private capacity, the member should consider very carefully beforehand, whether there could be any allegation of a conflict of interest as outlined in paragraphs 9, 10 and 11 of the National Code of Conduct or breach of paragraph 2 of the same code which reminds members that their over-riding duty as a councillor is to the whole local community.
- 7.11 Only officers and Members of the Council who are prepared to observe this Code ought to be involved in the process of dealing with planning matters, determining planning applications and applications for listed building consent and conservation area consent.

8. SITE VISITS

- 8.1 A decision by the Planning and Transportation Committee or the Development Control Sub-Committee to carry out a site inspection should normally only take place where objective decisions cannot be taken without viewing the site and adjoining properties.
- 8.2 The purpose of a site visit is for Members to gain knowledge of the development proposal, the application site and its relationship to adjacent sites.

- 8.3 Following site visits officers will prepare reports on the planning issues and any relevant information obtained from the site visit to enable the Planning and Transportation Committee or the Development Control Sub-Committee to determine the application.
- 8.4 The agreed procedures allow Members to receive representations during the course of the site inspection. Such representations will be governed by the scheme of public participation at site visits in operation at the time of the visit.
- 8.5 The Director of Finance and Administration will ensure that all correspondence in relation to site visits clearly identifies the purpose of a site inspection, the format and conduct of the inspection, and if appropriate the procedure for applicants/agents and interested parties to address elected Members.

9. REVIEW OF DECISIONS

- 9.1 At least on an annual basis, Planning and Transportation Committee will make a review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations. This audit may be carried out in conjunction with an audit of the effectiveness of the planning process and may involve visits to application sites.
- 9.2 The outcome of this review will be formally considered by the Planning and Transportation Committee, and any amendments to existing policy or practice will be identified.

10. COMPLAINTS AND RECORD KEEPING

- 10.1 In order that any complaints can be fully investigated, record keeping will be complete and accurate. In particular, every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings or significant telephone conversations.
- 10.2 The same principles of good record keeping will be observed in relation to enforcement and Development Plan matters. Monitoring of record keeping will be undertaken on a continuous basis by Managers in the Environment Services Directorate.

**STATUTORY PROVISIONS AS TO DISCLOSURE, ETC OF PECUNIARY INTERESTS OF
COUNCIL MEMBERS AND OFFICERS IN CONTRACTS AND OTHER COUNCIL
MATTERS**

LOCAL GOVERNMENT ACT 1972

SECTIONS 94/98 AND 117

Disability of
Members of
Authorities for
voting on account
of interest in
Contracts, etc

94. (1) Subject to the provisions of section 97 below, if a member of a local authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the local authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.
- (2) If any person fails to comply with the provisions of subsection (1) above he shall for each offence be liable on summary conviction to a fine not exceeding level 4 on the standard scale unless he proves that he did not know that the contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.
- (3) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.
- (4) A local authority may by standing orders provide for the exclusion of a member of the authority from a meeting of the authority while any contract, proposed contract or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.
- (5) The following, that is to say:-
- (a) the receipt by the chairman, vice-chairman or deputy chairman of a principal council of an allowance to meet the expenses of his office or his right to receive, or the possibility of his receiving, such an allowance; and
- (b) the receipt by a member of a local authority of an allowance or other payment under any provision of sections 173 to 176 below or paragraph 25 of Schedule 2 to the Police Act 1996 or paragraph 17 of Schedule 2 to the Police Act 1997 or under any scheme made by virtue of Section 18 of the Local Government and Housing Act 1989 or his right to receive, or the possibility of his receiving, any such payment;

shall not be treated as a pecuniary interest for the purposes of this section.

Pecuniary interests for purposes of section 94

95. (1) For the purposes of section 94 above a person shall be treated, subject to the following provisions of this section and to section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if:-
- (a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
 - (b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.
- (2) Subsection (1) above does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.
- (3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.

General notices and recording of disclosures for purposes

96. (1) A general notice given in writing to the proper officer of the authority by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, or that he or his spouse is the tenant of any premises owned by the authority, shall unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person or to those premises which may be the subject of consideration after the date of the notice.
- (2) The proper officer of the authority shall record in a book to be kept for the purpose particulars of any disclosure made under section 94 above and of any notice given under this section, and the book shall be open at all reasonable hours to the inspection of any member of the local authority.

Removal or
Exclusion of
disability etc.

97. (1) The district council, as respects a member of a parish Council, the principal council as respects a member of a community council, and the Secretary of State, as respects a member of any other local authority, may, subject to such conditions as the council or the Secretary of State may think fit to impose, remove any disability imposed by section 94 above in any case in which the number of members of the local authority disabled by that section at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the council or the Secretary of State in the interests of the inhabitants of the area that the disability should be removed.
- (2) The power of a council and of the Secretary of State under sub-section (1) above includes power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member (or, in the case of the power of the Secretary of State, any member of any class or description of member) by reason of such interests, and in respect of such matters, as may be specified by the council or the Secretary of State.
- (3) Nothing in section 94 above precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to a council or the Secretary of State for the exercise of the powers conferred by sub-sections (1) and (2) above.
- (4) Section 94 above does not apply to an interest in a contract, proposed contract or other matter which a member of a local authority has as a person who is liable to pay an amount in respect of any community charge or in respect of council tax or who would be so liable but for any enactment or anything provided or done under any enactment or as a ratepayer or inhabitant of the area or as an ordinary consumer of water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.
- (5) For the purposes of section 94 above a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only of an interest of his or of any company, body or person with which he is connected as mentioned in section 95(1) above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.

(6) Where a member of a local authority has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £5,000 or one hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, section 94 above shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

98. (1) In sections 95 and 97 above "securities" means:-

(a) investments falling within any of paragraphs 1 - 6 of Schedule 1 to the Financial Services Act 1986 or, so far as relevant to any of those paragraphs, paragraph 11 of that Schedule, or

(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any Society registered under the Industrial and Provident Societies Act 1965 or any building society within the meaning of the Building Societies Act 1986.

(1A) In sections 94 and 97 above "local authority" includes a joint authority and a police authority established under Section 3 of the Police Act 1996 and in section 94(5)(a) above "principal council" includes any such authority.

(2) In section 95 above "public body" includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907.

Disclosure by
Officers of interest
in Contract

117.(1) If it comes to the knowledge of any officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party) has been, or is proposed to be, entered into by the authority or any Committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an Officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above and had he been a member of the authority.

- (2) An Officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
- (3) Any person who contravenes the provisions of sub-section (1) or (2) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) References in this section to a local authority shall include references to a Joint Committee appointed under Part VI of this Act or any other enactment.

LOCAL GOVERNMENT FINANCE ACT 1992

SECTION 106

Restrictions on Members with Community Charge/Council Tax Arrears

Section 106 of the Local Government Finance Act 1992 applies at any time to a member of an Authority if an amount of Council Tax or Community Charge has become payable by them and has remained unpaid for at least two months.

If payments are made by instalments in accordance with a formal notice given by the relevant Council under the regulations, then if an instalment has remained unpaid for two months the section will apply.

Once the section applies to the member then if he or she is present at a meeting of the authority (including committees) which is considering any of the matters listed below then the member must disclose the fact the section applies to them (as soon as practicable after the start of the meeting) and may not vote on any question with respect to the matter. The relevant matters are:-

- (a) **any calculation** which the authority is required to make under the act in connection with the setting of its precept; and
- (b) **any recommendation, resolution or other decision which might affect the making of any such calculation**

Penalties

If any member fails to comply with the requirement to declare an interest and not vote they will be liable on summary conviction to a fine not exceeding £1,000 unless they prove that they did not know:-

- (i) that the provisions applied to them at the time of the meeting; or
- (ii) that the matter in question was the subject of consideration at the meeting.

A prosecution under this section may only be instituted by the Director of Public Prosecutions.

The only circumstances where the section will not apply is when a prior dispensation has been given by the Secretary of State.

Responsibility

The responsibility for understanding the law and how it relates to the personal circumstances of individual members rests with those members, as does any action on declaring arrears and refraining from voting.

THE LOCAL AUTHORITIES (MEMBERS INTERESTS) REGULATIONS 1992

3. DUTY TO REGISTER

- 3.1 Within one month after formally accepting office a new Member must give a notice, in the form attached hereto, of prescribed information on direct or indirect pecuniary interests.
- 3.2 For existing Members notice must be given within one month of attending their next meeting of Council, a Committee or Sub-Committee.

- 3.3 After giving the initial notice a Member must give further notices, when necessary, to revise the information originally given, not later than one month after the registered information becomes out of date.
- 3.4 A Member's spouse's interests are not registerable.
- 3.5 The "prescribed information" comes under seven headings:-
- (i) Employment, office, trade, profession or vocation;
 - (ii) Sponsorship;
 - (iii) Contracts with the Authority;
 - (iv) Land;
 - (v) Licences to occupy land;
 - (vi) Tenants of property of the Authority;
 - (vii) Interests in securities.
- 3.6 It is a criminal offence to give false or misleading notices.

NATIONAL CODE OF LOCAL GOVERNMENT CONDUCT

Introduction

The National Code of Local Government Conduct provides, by way of guidance to members of local authorities, recommended standards of conduct in carrying out their duties, and in their relationships with the council and the council's officers.

The Code is issued jointly by the Secretary of State for the Environment, Transport and Regions the Secretary of State for Scotland and the Secretary of State for Wales, under the provisions of the Local Government and Housing Act 1989. The Code has been agreed by associations representing local authorities in all three countries, and approved by both Houses of Parliament.

The Code applies to all members of in England, county councils, district councils, London borough councils, the Common Council of the City of London, the Council of the Isles of Scilly and parish and town councils; in Scotland, regional councils, islands councils, district councils, and joint boards and committees; in Wales, county councils, district councils and community and town councils.

All councillors are required on accepting office to declare that they will be guided by the Code.

The Code also applies to all members of committees, joint committees and sub-committees of these authorities, whether or not they are councillors, and whether or not they are voting members of those bodies.

The Code represents the standard against which the conduct of members will be judged, both by the public, and by their fellow councillors. The local ombudsmen may also regard a breach of the Code as incompatible with good administration, and may make a finding of maladministration by the council in these circumstances.

THE CODE

The Law and standing orders

1. Councillors hold office by virtue of the law, and must at all times act within the law. You should make sure that you are familiar with the rules of personal conduct which the law and standing orders require, and the guidance contained in this Code. It is your responsibility to make sure that what you do complies with these requirements and this guidance. You should regularly review your personal circumstances with this in mind, particularly when your circumstances change. You should not at any time advocate or encourage anything to the contrary. If in any doubt, seek advice from your council's appropriate senior officer or from your own legal adviser. In the end however, the decision and the responsibility are yours.

Public duty and private interest

2. Your over-riding duty as a councillor is to the whole local community.
3. You have a special duty to your constituents, including those who did not vote for you.
4. Whilst you may be strongly influenced by the views of others, and of your party in particular, it is your responsibility alone to decide what view to take on any question which councillors have to decide.

5. If you have a private or personal interest in a question which councillors have to decide, you should never take any part in the decision, except in the special circumstances described below. Where such circumstances do permit you to participate, you should never let your interest influence the decision.
6. You should never do anything as a councillor which you could not justify to the public. Your conduct, and what the public believes about your conduct, will affect the reputation of your council, and of your party if you belong to one.
7. It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.

Disclosure of pecuniary and other interests

8. The law makes specific provision requiring you to disclose both direct and indirect pecuniary interests (including those of a spouse with whom you are living) which you may have in any matter coming before the Council, a committee or a sub-committee. It prohibits you from speaking or voting on that matter. Your council's standing orders may also require you to withdraw from the meeting while the matter is discussed. You must also by law declare certain pecuniary interests in the statutory register kept for this purpose. These requirements must be scrupulously observed at all times.
9. Interests which are not pecuniary can be just as important. You should not allow the impression to be created that you are, or may be, using your position to promote a private or personal interest, rather than forwarding the general public interest. Private and personal interests include those of your family and friends, as well as those arising through membership of, or association with, clubs, societies and other organisations such as the Freemasons, trade unions and voluntary bodies.
10. If you have a private or personal non-pecuniary interest in a matter arising at a local authority meeting, you should always disclose it, unless it is insignificant, or one which you share with other members of the public generally as a ratepayer, a community chargepayer (Council Taxpayer) or an inhabitant of the area.
11. Where you have declared such a private or personal interest, you should decide whether it is clear and substantial. If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If, however, it is a clear and substantial interest, then (except in the special circumstances described below) you should never take any further part in the proceedings, and should always withdraw from the meeting whilst the matter is being considered. In deciding whether such an interest is clear and substantial, you should ask yourself whether members of the public, knowing the facts of the situation, would reasonably think that you might be influenced by it. If you think so, you should regard the interest as clear and substantial.
12. In the following circumstances, but only in these circumstances, it can still be appropriate to speak, and in some cases to vote, in spite of the fact that you have declared such a clear and substantial private or personal interest:
 - (a) if your interest arises in your capacity as a member of a public body, you may speak and vote on matters concerning that body; for this purpose, a public body is one where, under the law governing declarations of pecuniary interests, membership of the body would not constitute an indirect pecuniary interest;
 - (b) if your interest arises from being appointed by your local authority as their representative on the managing committee, or other governing body, of a charity, voluntary body or other organisation formed for a public purpose (and not for the personal benefit of the members), you may speak and vote on matters concerning that organisation;

- (c) if your interest arises from being a member of the managing committee, or other governing body of such an organisation, but you were not appointed by your local authority as their representative, then you may speak on matters in which that organisation has an interest; you should not vote on any matter directly affecting the finances or property of that organisation, but you may vote on other matters in which the organisation has an interest;
- (d) if your interest arises from being an ordinary member or supporter of such an organisation (and you are not a member of its managing committee or other governing body), then you may speak and vote on any matter in which the organisation has an interest.

Dispensations

13. Circumstances may arise where the work of your authority is affected because a number of councillors have personal interests (pecuniary or non-pecuniary) in some question.
14. In certain circumstances, you may be able to get a dispensation to speak, and also to vote, in spite of a pecuniary interest. Such dispensations are given under statute by the Secretary of State in the case of county, regional, islands, district and London borough councils and (in England and Wales) by the district council in the case of town, parish and community councils.
15. In the case of non-pecuniary interests, there may be similar exceptions to the guidance contained in paragraphs 9 to 12 of this Code. In the circumstances below it may be open to you to decide that the work of the council requires you to continue to take part in a meeting which is discussing a matter in which you have a clear and substantial private or personal interest.
16. Before doing so, you should
 - (a) take advice from the chairman of your local authority (if this is practicable) and from the appropriate senior officer of the authority as to whether the situation justifies such a step;
 - (b) consider whether the public would regard your interest as so closely connected with the matter in question that you could not be expected to put your interest out of your mind (for example, the matter might concern a decision by the council affecting a close relative); if you think that they would, you should never decide to take part in a discussion of, or a vote on, the matter in question; and
 - (c) consider any guidance which your Council has issued on this matter.
17. The circumstances in which (after such consultation and consideration) you may decide to speak and vote on a matter in which you have a clear and substantial private or personal non-pecuniary interest are if, but only if:
 - (a) at least half the council or committee would otherwise be required to withdraw from consideration of the business because they have a personal interest; or
 - (b) your withdrawal, together with that of any other members of the council or committee who may also be required to withdraw from consideration of the business because of a personal interest, would upset the elected party balance of the council or committee to such an extent that the decision is likely to be affected.

18. If you decide that you should speak or vote, notwithstanding a clear and substantial personal or private non-pecuniary interest, you should say at the meeting, before the matter is considered, that you have taken such a decision, and why.

19. The guidance set out in paragraphs 15-18 above also applies to sub-committees. However if the sub-committee is very small or if a large proportion of members declare a personal interest, it will usually be more appropriate for the matter to be referred to the parent committee.

Disclosure in other dealings

20. You should always apply the principles about the disclosure of interests to your dealings with council officers, and to your unofficial relations with other councillors (at party group meetings, or other informal occasions) no less scrupulously than at formal meetings of the council, committees and sub-committees.

Membership of committees and sub-committees

21. You, or some firm or body with which you are personally connected, may have professional, business or other personal interests within the area for which the council are responsible. Such interests may be substantial and closely related to the work of one or more of the council's committees or sub-committees. For example, the firm or body may be concerned with planning, developing land, council housing, personnel matters or the letting of contracts for supplies, services or works. You should not seek, or accept, membership of any such committee or sub-committee if that would involve you in disclosing an interest so often that you could be of little value to the committee or sub-committee, or if it would be likely to weaken public confidence in the duty of the committee or sub-committee to work solely in the general public interest.

Leadership and Chairmanship

22. You should not seek, or accept, the leadership of the council if you, or any body with which you are associated, has a substantial financial interest in, or is closely related to, the business or affairs of the council. Likewise, you should not accept the chairmanship of a committee or sub-committee if you have a similar interest in the business of the committee or sub-committee.

Councillors and officers

23. Both councillors and officers are servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, their committees and sub-committees.
24. Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.
25. The law and standing orders lay down rules for the appointment, discipline and dismissal of staff. You must ensure that you observe these scrupulously at all times. Special rules apply to the appointment of assistants to political groups. In all other circumstances, if you are called upon to take part in appointing an officer, the only question you should consider is which candidate would best serve the whole council. You should not let your political or personal preferences influence your judgment. You should not canvass the support of colleagues for any candidate and you should resist any attempt by others to canvass yours.

Use of confidential and private information

26. As a councillor or a committee or sub-committee member, you necessarily acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the council or anyone else.

Gifts and hospitality

27. You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the council, or may be applying to the council for planning permission or some other kind of decision.
28. There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the local authority and that no extravagance is involved. Likewise, it may be reasonable for a member to represent the council at a social function or event organised by outside persons or bodies.
29. You are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government. The offer or receipt of gifts or invitations should always be reported to the appropriate senior officer of the council.

Expenses and allowances

30. There are rules enabling you to claim expenses and allowances in connection with your duties as a councillor or a committee or sub-committee member. These rules must be scrupulously observed.

Dealings with the council

31. You may have dealings with the council on a personal level, for instance as a ratepayer or community chargepayer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in those dealings because of your position as a councillor or a committee or sub-committee member. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment; for instance by being in substantial arrears to the council, or by using your position to discuss a planning application personally with officers when other members of the public would not have the opportunity to do so. Likewise, you should never use your position as a councillor or a committee or sub-committee member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

Use of council facilities

32. You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the council for your use in your duties as a councillor or a committee or sub-committee member are used strictly for those duties and for no other purpose.

Appointments to other bodies

33. You may be appointed or nominated by your council as a member of another body or organisation - for instance, to a joint authority or a voluntary organisation. You should always observe this Code in carrying out your duties on that body in the same way you would with your own authority.

ANNEX C-D SENT TO IT FOR SCANNING

ANNEX E: COUNCIL GUIDELINES FOR DETERMINING PLANNING APPLICATIONS**A. APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 (TCPA)**

- (i) Section 54A of the Town and County Planning Act 1990 requires all planning applications to be determined by reference to the Development Plan, if material to the application, and any other material consideration. If the Development Plan is material to the application then the statutory position is that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The emphasis in determining applications is upon a plan led system.
- (ii) Other material considerations include the Structure Plan and Deposited District-Wide Local Plan which will gain increasing weight as it approaches adoption. Where policies appear in the Deposit Draft and have not been objected to considerable weight should attach to those policies. Where other documents are incorporated within the District Plan and are able to be the subject of consultation and objection also, such as Supplementary Planning Guidance, they too will be material to the planning decision which is to be taken.
- (iii) Material considerations include also national planning guidance in the form of Circulars and Planning Policy Guidance and case law. A ministerial statement may be a material consideration.
- (iv) In exceptional circumstances the personal circumstances of an applicant for planning permission may be a material consideration which may outweigh other planning considerations. Where this is the case specific and valid reasons must be given to justify an exception.
- (v) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is matter of planning judgement for the decision maker having regard to the planning evidence. In attaching weight to any offers of community benefit (eg. commuted sum for play facilities) accompanying any planning application Members will be mindful of the Advice in Circular 1/97 (planning obligations: Section 106 Agreement) as to the legality and materiality of such offers.

- (vi) Consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by English Heritage or the Environment Agency.
- (vii) Take into account the view of local residents when determining a planning application, but recognise that such opposition cannot be a reason in itself for refusing planning permission unless founded on valid planning reasons, which are supported by substantial evidence (Circular 8/93 - Annex 3 Paragraph 15).
- (viii) Take into account earlier Council decisions, appeal decisions in relation to the site, or other related appeal decisions.
- (ix) Not prevent, inhibit or delay development which could reasonably be permitted.
- (x) In relation to planning conditions, avoid the imposition of conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.

B. APPLICATION UNDER THE PLANNING AND LISTED BUILDING ACT (PLBCA)

- (i) It is now established that the determination of planning application and applications for PLBCA are two separate statutory duties. The provisions of the TCPA do not override those of the PLBCA.
- (ii) The Development Plan contains policies that deal with development in Conservation areas and applications for Listed Building consent to which under the PLBA to enable them to consider the desirability of preserving the building or its setting or any feature of special historic interest or the Conservation Area.
- (iii) Members will also have regard to the replies of statutory consultees (eg. English Heritage and amenity societies).
- (iv) Planning Policy Guidance Note 15 in particular paragraphs 2.3, 2.4, 2.11, 3.5 and 4.26 will be relied upon.
- (v) Any other material consideration eg. appeals decisions and relevant case law.

CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS

1. SUMMARY OF GENERAL PRINCIPLES

- Every person involved in public life is under constant scrutiny by the people they seek to serve.
- Rules governing Councillors' and employees' conduct are prescribed nationally and are in place to protect the public, Councillors and employees.
- The overriding guiding principles are:-
 - Do nothing which does, or even appears to, favour one person or group.
 - Do nothing which suggests you have made up your mind on an issue until you have heard all the arguments.
 - Comply fully with the law on pecuniary interests, and the National Code of Local Government Conduct.
 - For employees, comply with the Council's Code of Conduct and The Royal Town Planning Institutes Code of Professional Conduct.
 - Avoid taking gifts and hospitality, but if hospitality is unavoidable ensure that it is at a minimal level and for members its receipt is notified immediately to the Director of Finance and Administration. Officers must report hospitality and gifts to their Director.

2. SUMMARY OF MAIN ADDITIONAL PRINCIPLES WITH PARTICULAR REFERENCE TO COUNCILLORS WHO DETERMINE PLANNING MATTERS

- Councillors with substantial property or other interests which may be affected by planning proposals should avoid serving on the Planning and Transportation Committee.
- Councillors should never act as agents for individuals or organisations pursuing a planning matter.
- Councillors should continue to discuss planning matters with their constituents. But in so doing should never commit themselves to unequivocal support or opposition to a particular point of view and make it clear that any views expressed may be changed when they have heard all arguments at a Committee or Sub-Committee meeting.
- Councillors who attend public meetings should not commit themselves fully to unequivocal support or opposition to a particular point of view and make it clear that any views they may express may be changed when they have heard all the arguments at a Committee or Sub-Committee.
- Councillors should not organise support for, or opposition to, a proposal.

- Councillors should not determine their voting intentions on specific site proposals at Group meetings.
- In relation to setting overall policies determining the emphasis to be placed in Structure and Local Plans in relation to, for example economic development, countryside preservation, Councillors are not precluded from taking part in political group or other meetings provided that such discussions are confined to policy issues without reference to specific site allocations.
- Unless invited to do so by the appropriate Planning Officer, Councillors should not be involved in Officers' pre-application discussions with applicants for planning permission.
- In determining planning application Councillors will confine themselves to considering the planning merits of the case and take no account of other issues.
- Councillors who wish to support the Council or an appellant on a planning matter must give notice of their intention to do so to the Director of Finance and Administration and in the case of a Public Inquiry, not less than 5 days prior to the commencement of the Inquiry.
- Councillors who have a pecuniary or clear and substantial non-pecuniary interest; or prior to the meeting at which the planning matter is to be determined, have committed themselves, and their voting intentions, in any way to a particular viewpoint, should declare an interest in the matter, leave the meeting and take no part in the debate or voting on the issue.

3. **GOLDEN RULE**

- Councillors and employees should always ensure that no matter what actions they take, or statements they may make, prior to the meeting at which the planning matter is determined, neither their actions or statements can be construed as their final decision on the planning matter.

AIMS	OBJECTIVES	POLICIES
<p>HOUSING AND COUNCIL TAX BENEFIT PROSECUTIONS</p> <p>Minimise the level of fraudulent benefit claims, through the adoption of an active prosecution policy</p>	<p>The prosecution of offenders will always be considered as an option to ensure that justice is served and to promote the Council's stance against fraud</p>	<p>All Housing and Council Tax Benefit investigations will be conducted under the codes of practice and guidelines specified in the Police and Criminal Evidence Act 1984 and the Criminal Procedures and Investigations Act 1996</p> <p>The results of all investigated cases will be referred to the Internal Audit Manager for a decision to prosecute or take alternative action. Alternative action will include the issuing of a formal warning, formal caution or an administrative penalty under the Social Security Administration (Fraud) Act 1997</p> <p>Cases considered for prosecution will be referred to the Councils' Chief Solicitor for action in accordance with the Attorney Generals Guidelines for Prosecutions.</p> <p>Wherever possible results of successful prosecutions will be publicised</p>