

COMMITTEE : STANDARDS

DATE : MONDAY 21ST DECEMBER 2015

TIME : 5.00 PM

PLACE : COMMITTEE ROOM 4

**COUNCILLORS: DOLLING
HUSSAIN
MOLES
PETTS
WORLDING**

**INDEPENDENT MR. J. JONES (CHAIR)
MEMBERS: MR. J. HEARNshaw (VICE-CHAIR)
MS. P. BRENNAN
MRS. M. BRIGGS
MS. M. WILLIAMS**

**QUORUM : 5 MEMBERS (INCLUDING AT LEAST 2
INDEPENDENT MEMBERS)**

INFORMATION FOR THE PUBLIC


PURPOSE: This Committee considers any allegations that a Member has breached the Council's Code of Conduct for Members, relevant Standing Orders or the National Code of Local Government Conduct; it advises individual Members on matters of conduct; and advises and makes recommendations to the Council on training for Members on issues of conduct.


This meeting is open to the public and you are welcome to attend.

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h **IN PERSON**, 9am to 5pm, Monday to Friday, or

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AGENDA

EMERGENCY EVACUATION PROCEDURE – COMMITTEE ROOM 4

Proceed straight ahead through the double doors, follow the green emergency exit signs to the main town hall entrance and proceed to the assembly point at St. Georges Square.

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No.</i>
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES	
	1. 14 th September 2015	2.1/1 – 2.1/6
3.	SECTION 106, LOCAL GOVERNMENT FINANCE ACT 1992	
	Those item(s) on the Agenda affected by Section 106 of the Local Government Finance Act 1992 will be identified at the meeting. Any Members so affected is reminded that (s) he should disclose the fact and refrain from voting on those item(s).	
4.	PECUNIARY AND NON PECUNIARY INTERESTS	
	Members are reminded that they must disclose both the existence and the nature of any disclosable pecuniary interest that they have in any matter to be considered at this meeting unless the interest is a sensitive interest in which event they need not disclose the nature of the interest.	
	A member with a disclosable pecuniary interest must not further participate in any discussion of, vote on, or take any executive steps in relation to the item of business.	
	A member with a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest, must similarly not participate in any discussion of, vote on, or take any executive steps in relation to the item of business.	
	Disclosable pecuniary interests and Personal Interests are defined in the Council's Code of Conduct for Members and Co-opted members."	

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No.</i>
5.	MEDIA PROTOCOL (Report of the Press and PR Manager)	5/1 – 5/3
6.	REVIEW OF PROCESS FOR GRANT OF DISPENSATION(S) FOR MEMBERS (Report of the Service Director Human Resources and Monitoring Officer)	6/1 – 6/13
7.	APPLICATION FOR GRANT OF DISPENSATION(S) IN RELATION TO TRADE UNION VOTE (Report of the Service Director Human Resources and Monitoring Officer)	7/1 – 7/10
8.	URGENT BUSINESS The Chair to report on any business which is considered to be urgent and which should be discussed at the meeting in accordance with Section 100B(4)(b) of the Local Government Act 1972 and to determine when, during the meeting, any such business should be discussed.	
9.	LOCAL GOVERNMENT ACT 1972, PART VA To consider whether to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting during consideration of any item listed above if it is likely that if members of the public were present during those items there would be disclosure to them of exempt information falling within the Paragraphs of Part 1 of Schedule 12A to the Local Government Act 1972.	

STANDARDS COMMITTEE

14TH SEPTEMBER 2015 at 6.00 p.m.

PRESENT: Mr J. Jones (Independent Member – Chair)
Councillors Dolling, Hussain, Moles, and Worthing
Ms. P. Brennan, Ms. M. Briggs, Mr. J. Hearnshaw
(Vice Chair) and Ms. M. Williams (Independent
Members)

05 APOLOGIES FOR ABSENCE (REF: 3)

An apology for absence from the meeting was received on behalf of Councillor Petts.

06. MINUTES (REF: 2.1)

Resolved: That the Minutes of the meetings of the Committee held on 19th May 2015 be taken as read, approved as a correct record and the Chair be authorised to sign them subject to amendment to Councillor Worthing's name which was spelt incorrectly.

07. COMPLAINTS AGAINST MEMBERS (REF: 6)

The Head of Human Resources and Monitoring Officer gave an oral update regarding Complaints Against Members advising that no formal complaints had been received this year, however 5 alleged breaches of the code of conduct were received.

She further advised:

- Following investigations and assessment of the alleged breaches four of five of the allegations were reported as having no further action.
- One of the alleged breaches was still been investigated and dates of adjudication now set for the hearing.
- The allegation in question is linked to internal staffing and audit matters involving disciplinary measures and investigation.

Following consideration of the report Members made the following comments;

- Need to set timeline from investigation to adjudication. Where the timeline extends longer than expected this committee should be informed to intervene as longer timeline may result in lack of confidence and trust in the system by local residents.

Responding the Head of Human Resources and Monitoring Officer explained that the early stages in the process are subject to timeline. The need to establish whether there was a case to answer led to delay in this particular case. The Chair explained that in some cases officers are unable to control the timeline set for a case especially as delays could be caused by the involvement of external investigation for up to a period of six months but not later.

- The case being referred to is due for completion by October 2015.
- The process needs to be more transparent and for the individual involved, they would wish that the matter is brought to an end as soon as possible due to likely impact on them if the matter is prolonged.
- In response to question about informing the alleged of the different stages of the investigation, the HR and Monitoring Officer advised that a flow chart of the timeline is produced as part of the Council's process and at the commencement of the investigation; the individual is given a copy of the flow chart. In this particular case, the individual involved was made aware of the decision of the Assessment Panel that there was evidence of a case to answer.
- The individual was made aware of what the stages are in terms of the process, but not necessarily at every stage. The investigation process takes time. The HR and Monitoring Officer acknowledged the need to bring the matter to conclusion as soon as possible.

Resolved: That the update by the HR and Monitoring Officer regarding Complaints Against Members be noted.

08. ANNUAL REPORT 2014 – 2015/STANDARDS COMMITTEE (REF: 7)

The Chair presented the Annual Report of Standards Committee 2014/15 (Ref: 7) which included elected Members attendance record from May 2014 to May 2015 for approval and onward submission to Full Council on 10th November 2015.

Members of the Committee received progress update of the activities of the Committee in the past year including membership of the Committee which was established at the Annual Council meeting on 20th May 2014.

The Chair gave further updates under the following headlines; Members Attendance, Breaches of the Code and Monitoring of Council Meetings.

Some elected Members raised concerns and questioned the accuracy of the attendance report as they felt this was not a comprehensive record of the attendance of elected Members. The report does not show the extent of work carried out by elected Members on Outside Bodies or indeed external Organisations. Apart from evening meetings, elected Members attended other adhoc meetings not covered in the Council's Calendar of meetings and therefore not included in the attendance report. Members also cover Scrutiny tasks and finish project groups which require a lot of time and dedication. These meetings were also not captured in the attendance report.

In response, the Chair of the Committee advised that the report was automatically generated from information on the (Council's Information Management System), CIMS. The information is then made available for public access to ensure the Council's accountability.

Councillor Hussain commenting on the issues raised explained that Members attendances had been challenged in the past and elected Members feel strongly that they must be found accountable to their constituents to justify the allowances they receive.

The consequences of non-attendances of meetings by an elected Member could be serious including disqualifying that Member as Councillor. Furthermore, it will lead to the Council having a by-election to fill that position.

The Chair acknowledged that Members attended a number of meetings not recorded on the Attendance record, such as those classified as "Other Bodies" or "Outside Organisations", however, there is need to ensure transparency as much as possible.

The issue of Member development and training was also discussed by Members of the Committee referring to certain Portfolio Holders who are not always on top of things with their individual areas and not been able to respond to and or give very obvious answers to questions at Full Council meetings.

A Member further stated that elected Members of the Council are always encouraged to work closely with senior officers of the Council to give written answers and avoid a situation where wrong information is given.

Resolved: (i) That the Standards Committee Annual Report 2014/15 and Members Attendance Record attached at Appendices A and B respectively to the report of the Chair of Standards Committee be

approved for onward submission to Full Council on 10th November 2015.

(ii) That the Monitoring Officer be requested to work with PH's to identify necessary development needs in order to make provision for the necessary training.

09. WHISTLEBLOWING POLICY – ANNUAL REPORT (REF: 8)

The Head of Human Resources and Monitoring Officer gave a verbal update on annual reporting of the Whistleblowing Policy Ref; 8 advising that this Policy continues to be largely ignored in terms of allegations.

Members received updates as follows:

- Several anonymous calls received as whistle blowers are wishing to make anonymous calls. Anonymous calls are more difficult in terms of investigation.
- There were 6 complaints received this year, the same with last year.
- This year one individual made themselves known to the Monitoring Officer but not to anyone else.
- One incident was about financial irregularities and that individual realised the implication of their action during the investigation
- This year Lealands High School hit the press and caused a lot of upset in regards to whistle blowing. Whistle Blowing Policy has now been put in place but no doubt this incident had caused a lot of upset for the school and the individual concerned.

With regards to awareness of the Policy and mechanism for reporting information, the Council is about to carry out a wider promotion about whistle blowing and have strengthened some training programmes to remind people of the whistle blowing policy. Also the awareness raising would be extended to people in the care field.

In terms of reporting line, reports and concerns can be channelled through anonymous phone calls, national hot line and national social care hot line for carers. Reports can also be received through a one to one meeting without the whistle bower giving their personal details out.

The Monitoring Officer further stated that Policy is updated from time to time as and when required but no amendments are carried out.

Resolved: That the Whistle Blowing Policy Annual Report 2014 to 2015 be noted.

10. COUNCIL'S MEDIA PROTOCOL - (REF: 9)

The Head of Human Resources and Monitoring Officer presented the Report Ref; 9 on the Council's Media Protocol advising that this was first written in 2011 but was never reported to this Committee. Local Councils are required to adopt a Code of Conduct that sets out the rules governing the behaviour of elected Members.

Members were invited to comment and make amendments where required to the report.

The HR and Monitoring Officer responded to questions as follows:

- Responding to questions about Police and Members of the Committee involvement in an ongoing investigation, she explained that in some cases joint statement can be arranged between the Council and the Police. Ensuring that the individual concerned is kept informed at every stage of the investigation is vital to the process.
- Responding to questions about the impact of Police involvement in terms of the outcome whilst the investigation is in progress, where there is evidence that Police involvement is required, the Police investigation would take primacy over the Council's involvement so as not to as not to prejudice Police enquiries.

In regards to the Police and other regulatory bodies' involvement in an ongoing investigation, it was requested that the HR and Monitoring Officer be requested to bring back details to a future meeting of the Committee.

Members made some suggested changes to the report and asked that an Update on the Council's Media Protocol is brought back to a future meeting of the Committee.

Resolved: That the report on the Council's Media Protocol be noted and amended with suggested changes; and the Press & PR Manager is requested to submit the amended report (Appendix A) to these minutes to a future meeting of the Committee.

11. WORK PROGRAMME (REF: 10)

Members of the Committee considered the Committee's work programme and agreed that the following items are reported at future meeting of the Committee.

- Members Code of Conduct (The Monitoring Officer and the Chair to raise this with Group Leaders and look at reporting on this item at the next meeting of the Committee)
- Update Report on the Council's Media Protocol
- Refresher Training for New and Old Members

Resolved: That the Committee's work programme be noted and the items listed above be included in the Committee's work programme for reporting at future meeting.

(Note: The meeting ended at 6.50 p.m.)

COMMITTEE: STANDARDS

DATE: 21ST DECEMBER 2015
SUBJECT: MEDIA PROTOCOL
REPORT BY: PRESS & PR MANAGER
CONTACT OFFICER: CHRIS HALL 01582 546048

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: NONE

PURPOSE

1. To allow the Committee to consider a suggested media protocol.

RECOMMENDATION(S)

2. **Standards Committee is recommended to consider and agree a protocol to govern how the Committee will manage media and press interest in code of conduct cases referred to it.**

BACKGROUND

3. Local councils are required to adopt a Code of Conduct that sets out the rules governing the behaviour of members. The Luton Borough Council Standards Committee has been established to deal with complaints, to investigate them and to rule on any breach and decide on sanction, where it has occurred.
4. By their nature, complaints against elected councillors can attract local – and in extreme cases national – press interest.

5. Following consultation with the Council's Monitoring Officer, the Chair of Standards Committee has requested that a draft protocol be developed to govern how media relations will be handled as complaints are made and the "rules of engagement" during - and at the conclusion of - investigations.

REPORT

6. A simple protocol for dealing with media interest in Code of Conduct and Standards investigations within the borough will support the effective and fair management of complaints.
7. It would be unfair on elected members if different media handling techniques were deployed every time a Code of Conduct complaint was made.
8. Like all authorities, Luton Borough Council has a statutory duty to publicise the outcome of a case. Notification normally includes any decision not to apply any sanction or where the investigation has found that there is no case to answer.
9. The only exception to the above may be when an elected member who has been found not to have breached the Code asks for a notice not to be published.
10. Amendments were suggested at the last meeting of the Committee and these have been incorporated in Appendix A

PROPOSAL/OPTION

10. The Committee can either adopt the suggested protocol, amend it or request officers to provide a further report to a future meeting.

APPENDIX

11. Appendix A: suggested protocol

LIST OF BACKGROUND PAPERS **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

There are no background papers to this report.

APPENDIX A

Suggested Protocol:

It is recommended that the key components of the protocol are as follows:-

1. On receiving a complaint about an elected member, the chair of the Standards Committee and the Monitoring Officer will agree at the referral stage and during any subsequent investigation, what information can be released to the media.
2. No information whatsoever will be released until the complaint has been assessed.
3. If it is agreed to release information, this may include:
 - The name of the member against whom a complaint has been made;
 - The date the complaint was received and the date the Council decided whether or not to refer the complaint for investigation;
 - The type of person who complained (i.e. a member of the public, another elected member [but not the name]);
 - The part of the Code of Conduct that has potentially been breached which gave rise to the complaint being referred.
4. During the investigation itself, or at any other time generic information can be released about how investigations are carried out, by whom and what the outcomes could be.
5. It is strongly recommended that the Standards Committee does not confirm to the media that a complaint has been received until the subject of the complaint has been notified.
6. Prior to the release of any final decision following investigation, the Chair of the Standards Committee and Monitoring Officer should meet to agree and prepare any necessary statement to be released to the media. At this point, the Council's Press & PR Manager should be informed.
7. The final decision will be published on the Council's internet site and via the media, as appropriate. No additional statements will be given beyond the published decision. The press release and online information will comprise only factual matters about the complaint, the member concerned, the decision and sanction (if appropriate).

AGENDA ITEM**6****COMMITTEE: STANDARDS****DATE: 21 DECEMBER 2015****SUBJECT: REVIEW OF PROCESS FOR GRANT
OF DISPENSATION(S) FOR
MEMBERS****REPORT BY: HEAD OF HUMAN RESOURCES AND MONITORING OFFICER****CONTACT OFFICER: ANGELA CLARIDGE****TEL: 546291****IMPLICATIONS:****LEGAL ☐****COMMUNITY SAFETY ☐****EQUALITIES ☐****ENVIRONMENT ☐****FINANCIAL ☐****OTHER ☐****STAFFING ☐****WARDS AFFECTED:**

PURPOSE

1. The purpose of this report is to enable the Standards Committee to comment upon the revision to the process of applying for and granting dispensations to Members (including co-opted Members).

RECOMMENDATION

2. That the Standards Committee consider the proposals set out below and comment upon them.

BACKGROUND

3. In November 2015 Councillor David Agbley gave notice of a Motion to be considered by Full Council in relation to the impact of the Trade Union Bill currently passing through Parliament. The Motion did not proceed at the meeting of the Council on 10 November 2015 since it was highlighted that if any Members wishing to debate and vote upon the content were members, or received sponsorship from, trade unions they would be unable to do so given restrictions applying to the Members where a disclosable pecuniary interest exists.

LEGAL FRAMEWORK

4. Section 30 of the Localism Act 2011 ('the 2011 Act') requires members (including a co-opted member) to disclose any disclosable pecuniary interests which they hold to the Council's Monitoring Officer. Regulations made under the 2011 Act set out those disclosable pecuniary interests for the purpose of the Act. Once disclosed to

the Monitoring Officer that officer must add these to a Register which is open for public inspection. The requirement to register such interests is set out in Part 9 of the Council's Constitution. A copy of Part 9 appears at Appendix A and includes the list of disclosable pecuniary interests which appears in the Regulations.

5. Section 31 of the 2011 Act states that if a member (including a co-opted member):
 - (a) is present at a meeting of the Council or any Committee or Sub-Committee of the Council,
 - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered at that meeting and
 - (c) is aware that the condition in paragraph (b) is met;the member must take a specified course of action.
6. The specified course of action is:
 - (a) if the interest is not entered in the Register of Interests, they must disclose it to the meeting;
 - (b) if the interest is not in the Register and is not the subject of a pending notification, notify the Monitoring Officer within 28 days; and
 - (c) the member (or co-opted member) may not:-
 - (i) participate, or further participate, in any discussion of the matter at the meeting, or
 - (ii) participate in any vote, or further vote, taking on the matter at that meeting.
7. Further, the Council's Standing Orders require that a member having a disclosable pecuniary interest in a matter within the meaning of the Council's Code of Conduct for Members (which contains the disclosable pecuniary interests set out in the Regulations referred to above) and who attends a meeting at which the matter is considered must withdraw from the room or chamber where the meeting is being held, unless a dispensation has been obtained.
8. Section 33 of the 2011 Act allows a member (or co-opted member) to give notice to the Proper Officer of the Council requesting that a dispensation is granted relieving the member (or co-opted member) from either or both of the restrictions referred to at paragraph 7(c)(i) and (ii) above.
10. The Council may grant a dispensation only if, having had regard to all relevant circumstances, the Council:
 - (a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the Council or Committee transacting the business as to impede the transaction of the business,

- (b) considers that without the dispensation the representation of different political groups on the Council or Committee transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
 - (d) if with respect the executive, it considers that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or
 - (e) considers that it is otherwise appropriate to grant a dispensation.
11. Any dispensation granted must:
- (a) specify the period for which it has effect (which may not exceed a period of four years from the date it is granted);
 - (b) specify the ground referred to in paragraph 9 above on which it was granted; and
 - (c) set out any qualifications or limitations applying to that dispensation.
12. The Council's Constitution provides that the Standards Committee are responsible for determining applications for dispensations by members in relation to any matters, other than those matters being considered by the Executive.

REPORT

13. Following the Council meeting on 10 November it was apparent that if Councillor Agbley's Motion is to progress at the meeting of the Council on 11 January 2016, applications would be made for dispensations. This has prompted a review of the relevant provisions of the Council's Constitution which has identified several issues regarding the current procedure.
14. At present the Council's Constitution provides that Standards Committee discharges the function of determining whether dispensations should be granted to allow Councillors to participate in debates and / or vote on matters in which they have an interest. There is however, one exception which allows the Head of Paid Service to determine applications for dispensations in relation to business transacted by the Executive.
15. Currently the Constitution does not formally appoint a Proper Officer to whom written requests for dispensations should be sent. Additionally, some parts of the Constitution still refer to the Act and Regulations which were in place prior to implementation of the 2011 Act, including the previous grounds on which a dispensation could be granted. Appropriate amendments are being drafted to update these legal references.
16. Further, whilst carrying out the review of the legal and constitutional provisions the views of the Leaders of the Council's Political Groups and the Chair of the Standards Committee were sought as to the appropriate process for consideration of applications for dispensations. The unanimous view of the Group Leaders was that the Standards Committee should continue to consider applications for

dispensations from all Members, including in relation to business transacted by the Executive, save for a process allowing the Head of Paid Service (or other appropriate officer) to consider urgent applications in relation to Executive business. All Group Leaders recognise and value the contribution of independent members who sit on the Standards Committee and the independence and transparency which this adds to the process.

17. As a result of the Executive Forward Plan the nature of the Executive's business is usually known some time in advance of its meetings and therefore it is anticipated that the occasions on which a dispensation is sought as a matter of urgency should be exceptionally rare. Nonetheless it is desirable to identify whether guidance can be given as to how such a provision should operate in particular whether the Head of Paid Service should consult the Chair of the Standards Committee when determining such an application.
18. In light of the above and the stated views of Group Leaders, it is proposed that the following process is adopted:
 - (a) The Head of Human Resources and Monitoring Officer be appointed as the Proper Officer for receiving written requests for dispensations;
 - (b) That the Constitution is amended to provide that the Standards Committee considers requests for dispensations for all Members, other than in relation to urgent Executive business;
 - (c) That the Head of Paid Service is authorised to consider requests in relation to urgent Executive business, in consultation with the Chair of Standards Committee or, in their absence, the Vice-chair of Standards Committee;
 - (d) That the Constitution is amended to reflect the above and updated to refer to the legal provisions which apply under the 2011 Act.
19. The views of the Standards Committee are sought in relation to the above proposals.

APPENDICES

The following Appendices are attached to this report:

Appendix A – Part 9 of the Constitution referring to disclosable pecuniary interests.

LIST OF BACKGROUND PAPERS

Localism Act 2011

AGENDA ITEM

7

COMMITTEE: STANDARDS

DATE: 21 DECEMBER 2015

**SUBJECT: APPLICATION FOR GRANT OF
DISPENSATION IN RELATION TO
TRADE UNION MOTION**

REPORT BY: HEAD OF HUMAN RESOURCES AND MONITORING OFFICER

CONTACT OFFICER: CLIVE TOBIN

TEL: 546017

IMPLICATIONS:

LEGAL ☐

COMMUNITY SAFETY ☐

EQUALITIES ☐

ENVIRONMENT ☐

FINANCIAL ☐

OTHER ☐

STAFFING ☐

WARDS AFFECTED:

PURPOSE

1. The purpose of this report is to enable the Standards Committee to consider the application(s) received from Councillor Simmons in relation to the forthcoming motion to Council regarding the Trade Union Bill.

RECOMMENDATION

2. That the Standards Committee determine the application for the grant of dispensation by Councillor Simmons.

BACKGROUND

3. In November 2015 Councillor David Agleby gave notice of a motion to be considered by Full Council in relation to the impact of the Trade Union Bill currently passing through Parliament.
4. At the meeting of the Council on 10 November 2015 the motion did not proceed since an issue was raised as to whether members who may wish to debate and vote upon the content would be able to do so given restrictions which apply to the conduct of members where a disclosable pecuniary interest exists.

LEGAL FRAMEWORK

5. Section 30 of the Localism Act 2011 ('the 2011 Act') requires Council members (including a co-opted member) to notify the Council's Monitoring Officer of any disclosable pecuniary interests which they hold. Regulations made under the 2011 Act set out what are disclosable pecuniary interests for the purpose of that Act. Once disclosed to the Monitoring Officer that officer must add these to a Register which is open for public inspection. The requirement to register such interests is set out in Part 9 of the Council's Constitution. A copy of the relevant extracts of Part 9 appears at Appendix A.
6. Section 31 of the 2011 Act states that if a member (including a co-opted member):
 - (a) is present at a meeting of the Council or any Committee or Sub-Committee of the Council,
 - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered at that meeting and
 - (c) is aware that the condition in paragraph (b) is met;the member must take a specified course of action.
7. The specified course of action is:
 - (a) if the interest is not entered in the Register of Interests, they must disclose it to the meeting;
 - (b) if the interest is not in the Register and is not the subject of a pending notification, notify the Monitoring Officer within 28 days; and
 - (c) the member (or co-opted member) may not:-
 - (i) participate, or further participate, in any discussion of the matter at the meeting, or
 - (ii) participate in any vote, or further vote, taking on the matter at that meeting.
8. Further, the Council's Standing Orders require that a member having a disclosable pecuniary interest in a matter within the meaning of the Council's Code of Conduct for Members (which contains the disclosable pecuniary interests set out in the Regulations referred to above) and who attends a meeting at which the matter is considered must withdraw from the room or chamber where the meeting is being held, unless a dispensation has been obtained.
9. Section 33 of the 2011 Act allows a member (or co-opted member) to give notice to the Proper Officer of the Council requesting that a dispensation is granted relieving the member (or co-opted member) from either or both of the restrictions referred to at paragraph 7(c)(i) and (ii) above.
10. The Council may grant a dispensation only if, having had regard to all relevant circumstances, the Council:
 - (a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion

of the Council or Committee transacting the business as to impede the transaction of the business,

- (b) considers that without the dispensation the representation of different political groups on the Council or Committee transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
- (d) if with respect the executive, it considers that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

11. Any dispensation granted must:

- (a) specify the period for which it has effect (which may not exceed a period of four years from the date it is granted);
- (b) specify the ground referred to in paragraph 9 above on which it was granted; and
- (c) set out any qualifications or limitations applying to that dispensation.

12. The Council's Constitution provides that the Standards Committee are responsible for determining applications for dispensations by members in relation to any matters, other than those matters being considered by the Executive.

REPORT

13. At the Council meeting on 10 November the motion proposed by Councillor Agbley was deferred until the meeting of the Council which is due to take place on 19 January 2016. The motion has now been added to the Agenda for that meeting and therefore members will be debating and voting upon the content.

14. Following the meeting of the Council on 10 November notice has now been given by Councillor Simmons requesting a dispensation be granted to allow her to participate in and vote upon that motion. A copy of the application appears at Appendix B. Members are asked to note that there is a typographical error on the application form since the name 'Angela Claridge' has been inserted rather than 'Councillor Simmons'. The request is however, clearly signed by Councillor Simmons. Also attached is a copy of a blank application form showing the explanatory notes (Appendix C).

15. Councillor Simmons has indicated that she is a trade union member. Trade Union sponsorship is a disclosable pecuniary interest for the purpose of the Regulations and the Council's Code of Conduct. Accordingly, without the dispensation, Councillor Simmons would be prohibited from participating in the debate upon and / or voting upon the matters set out in Councillor Agbley's motion.

16. Accordingly the Committee may grant a dispensation having regard to all the relevant circumstances on any of grounds (a), (b), (c) or (e) referred to at paragraph 10 above which it considers applicable. In determining whether it is appropriate to grant a dispensation the Committee should have regard to the matters set out in the request received from Councillor Simmons and satisfy itself that the dispensation would be appropriate.

APPENDICES

The following Appendices are attached to this report:

Appendix A – Extract from Part 9 of the Constitution referring to disclosable pecuniary interests. (Attached as Appendix to Item 6)

Appendix B – Application for dispensation received from Councillor Simmons.

Appendix C – Blank Application Form showing explanatory notes.

LIST OF BACKGROUND PAPERS

Localism Act 2011

Request for a Dispensation Form

Part 1 – Members Application

TO: THE PROPER OFFICER

I (name of Member)

.....Angela Claridge.....
.....

wish to apply for a Dispensation from the requirement not to participate in and / or vote in respect of a matter at a meeting of the Council because of a Disclosable Pecuniary Interest (DPI) (see Appendix A for details of DPIs).

Please Specify title of the meeting, date and the matter in respect of which the dispensation is sought.

Meeting Title.....January 15 2016

.....Date.....19/1/16

.....

Please specify your DPI and how it relates to taking part:

I wish to apply for dispensation under the Sponsorship Section as I am a Trade Union Member and as such could receive benefit both in-kind or financial from my Trade Union within the meaning of the Trade Union and Labour Relations (Consultation) Act 1992. As there is a motion relevant to the Trade Union Movement on the agenda for this meeting this could preclude me from participating without dispensation.

Please specify why a Dispensation should be granted:

(This should be for one or more of the reasons set out in Appendix B)

That without dispensation the number of persons prohibited by Section 31 (4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the business.

SIGNED

Heimann

DATED

11/12/15.

Note

Request for a Dispensation Form

Part 1 – Members Application

TO: THE PROPER OFFICER

I (name of Member)

.....

wish to apply for a Dispensation from the requirement not to participate in and / or vote in respect of a matter at a meeting of the Council because of a Disclosable Pecuniary Interest (**DPI**) (see Appendix A for details of DPIs).

Please Specify title of the meeting, date and the matter in respect of which the dispensation is sought.

Meeting Title.....Date.....

Please specify your DPI and how it relates to taking part:

**Please specify why a Dispensation should be granted:
(This should be for one or more of the reasons set out in Appendix B)**

SIGNEDDATED.....

Note

This form enables you as a Member to seek a Dispensation from the Restriction from Participating and Voting in Meetings when a Member has a Discloseable Pecuniary Interest under the Localism Act 2011 (These are defined in Appendix A)

There are five Grounds under which the Standards Committee can grant a Dispensation set out in Appendix B.

Request for a Dispensation Form

Part 2 - Decision of the Standards Committee

The Standards Committee **has/has not resolved** that a dispensation on behalf of the Council is appropriate after having had due regard to the five grounds for a dispensation and all relevant circumstances because:-

PARTICULARS OF HOW GROUND(S) 1- 5 ARE SATISFIED / NOT SATISFIED:

The Standards Committee has resolved to **GRANT / REFUSE** the requested dispensation (any decision to grant will be published on the Council's website within 7 days of the decision).

PERIOD OF DISPENSATION:

(The dispensation must be for a fixed time period not exceeding 4 years or till re-election whichever is shorter though will normally cover only a specific matter or meeting)

CHANGE OF CIRCUMSTANCES

Please note this Dispensation only applies for the circumstances as disclosed to the Proper Officer – if your circumstances change please let the Proper Officer know immediate as it may affect any Dispensation granted.

SIGNED

DATED

APPENDIX A

Disclosable Pecuniary Interests under the Localism Act 2011 are those held by you or your spouse / partner as follows:

Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has</p>

	<p>a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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In the above—

“the Act” means the [Localism Act 2011](#);

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of [a registered society within the meaning given by [section 1\(1\)](#) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union];

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the [Financial Services and Markets Act 2000](#) and other securities of any description, other than money deposited with a building society.

Appendix B

Grounds for Granting a Dispensation

1. that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
2. that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
3. that granting the dispensation is in the interests of persons living in the authority's area,
4. that without the dispensation each member of the authority's Cabinet would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's Cabinet, or
5. that it is otherwise appropriate to grant a dispensation.