

*Please reply to:*

Contact: Liz Phillis  
Department: Chief Executive Directorate  
Service: Committee Services  
Direct line: 01784 446276  
Fax: 01784 446333  
E-mail: [l.phillis@spelthorne.gov.uk](mailto:l.phillis@spelthorne.gov.uk)  
Our ref:  
Your ref: Lp/scttee  
Date: 15 September 2009

**NOTICE OF MEETING:**

**STANDARDS COMMITTEE**

**DATE: TUESDAY 22 SEPTEMBER 2009**

**TIME: 7.30PM**

**PLACE: GODDARD ROOM, COUNCIL OFFICES, KNOWLE GREEN, STAINES**

TO: ALL MEMBERS OF THE STANDARDS COMMITTEE

***Councillors:***

T.W. Crabb  
C.A. Davis  
A.P. Hirst  
D.L. McShane  
E. O'Hara  
G.F. Trussler

***Independent Members:***

Mr. M. Litvak (Chairman)  
Miss Sue Faulkner (Vice-Chairman)

**EMERGENCY PROCEDURE**

In the event of an emergency the building must be evacuated. All Members and Officers should assemble on the Green adjacent to Broome Lodge. Members of the Public present should accompany the Officers to this point and remain there until the Senior Officer present has accounted for all persons known to be on the premises.

**THE LIFT MUST NOT BE USED.**

If you would like a copy of this agenda or the attached reports in a larger print please contact Liz Phillis (01784) 446276 or e-mail [l.phillis@spelthorne.gov.uk](mailto:l.phillis@spelthorne.gov.uk)

## **A G E N D A**

### **1. APOLOGIES**

To receive any apologies for non attendance.

### **2. MINUTES**

To confirm the minutes of the meeting held on 30 June 2009 (Copy **attached**)

### **3. DISCLOSURE OF INTERESTS**

To receive any disclosure of interests from members.

### **4. ICT SECURITY POLICY**

The ICT Manager will attend the meeting to update members on the ICT Security Policy and to discuss relevant training for councillors and co-opted Independent Members.

### **5. REVIEW OF THE PLANNING CODE**

The Monitoring Officer will report verbally at the meeting on the Planning Code. A copy of the Planning Code is **attached** together with the latest guidance from the Association of Council Secretaries and Solicitors.

### **6. NEW STANDARDS REGULATIONS 2009**

A report from the Monitoring Officer is **attached**.

### **7. STANDARDS ASSESSMENT SUB COMMITTEE**

The minutes of the meeting held on 17 September 2009 - **To Follow**

The relevant members of the assessment sub committee to approve the minutes of the Assessment Sub Committee meeting held on 17 September 2009 as a correct record and the committee note the decision made.

## **MINUTES OF THE STANDARDS COMMITTEE**

**30 JUNE 2009**

**Present:**

**Councillors:**

T.W. Crabb  
C.A. Davis  
A.P. Hirst  
D.L. McShane  
E. O'Hara  
G.F. Trussler

**Independent members:**

Mr M. Litvak (Chairman)  
Miss Sue Faulkner (Vice-Chairman)

**219/09 MINUTES**

The minutes of the meeting held on 24 March 2009 were approved as a correct record.

**220/09 DISCLOSURES OF INTERESTS**

No disclosures were made.

**221/09 STANDARDS ASSESSMENT SUB COMMITTEE**

**RESOLVED** that

1. the minutes of the Assessment Sub Committee held on 9 June 2009 be approved as a correct record and
2. the decision be noted by the Committee.

**222/09 REVIEW OF TRAINING ARRANGEMENTS**

The Monitoring Officer reported that as Members would be unable to attend the Standards Board Annual Conference this year, the Committee needed to consider how best to meet its training needs.

Surrey County Council would be providing a short session prior to the next Local Committee to explain the difficulties for Borough Councillors who sit on the Local Committee when considering rights of way matters.

The Standards Board for England had produced a training pack with case scenarios to assist the Standards Committee when dealing with the local assessment stage of complaints under the Code of Conduct.

The Committee agreed it would be useful to include the Standards Board training as an item on its next agenda, and asked for the case scenarios to be circulated with the agenda papers.

**RESOLVED** that an item on how to deal with local assessments be placed on the next agenda of the Committee and the case scenarios be circulated with the agenda papers.

**223/09 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated below.

**224/09 COMPLAINTS**

***[Paragraph 2 – Information which is likely to reveal the identity of an individual.]***

The Monitoring Officer presented his exempt report on a complaint received under the member Code of Conduct.

He outlined his response to the complaint and other matters raised, which had been addressed in a letter to the complainant.

**RESOLVED** that the outcome of the complaint considered by the Standards (Assessment) Sub-Committee on 9 June 2009 be noted.

## Model Members' Planning Code of Good Practice



### Background

The Planning Code of Good Practice has been prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework and replaces the Council's former local code of conduct on planning matters.

This Code is as per the model adopted by the Association of Council Secretaries and Solicitors (ACSeS) and launched on the 14<sup>th</sup> February 2003. The drafting of the model code was subject to consultation and comment from a number of other local authorities through the machinery of ACSeS, the Standards Board for England, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

### Introduction

**The aim of this code of good practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**The key purpose of Planning:** to control development in the public interest.

**Your role as a Member of the Planning Authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one**

of his or her staff, and preferably well before any meeting takes place.

## 1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must be always be complied with.
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
  - the Council at risk of proceedings on the legality or maladministration of the related decision; and
  - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Board for England.

## 2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (*Use the disclosure form provided for disclosing interests.*)
- **Do** then act accordingly. **Where your interest is personal and prejudicial:-**
  - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
  - **Don't** try to represent ward views, get another Ward Member to do so instead.
  - **Don't** get involved in the processing of the application.
  - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
  - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code place limitations on you in representing that proposal. [You may \(where the 2007 Code of Conduct is adopted\) address the Committee but only to make a presentation in the same manner than would apply to a normal member of the public, after which you must leave the room whilst the meeting considers it \(you may not remain to observe the meeting's considerations on it from the public gallery.\)](#)

- **Do** notify the Monitoring Officer in writing and note that:
  - you should send the notification no later than submission of that application where you can;
  - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers; and
  - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee.

### 3. Fettering Discretion in the Planning Process.

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

**Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
  - the proposal does not substantially effect the well being or financial standing of the consultee body;
  - you make it clear to the consultee body that::
    - your views are expressed on the limited information before you only;
    - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
    - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and

- you disclose the personal interest regarding your membership or role when the Committee comes to considers the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (*this is granted by the authority's standing orders or by the consent of the Chairman and Committee*) where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:
  - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the member seating area for the duration of that item; and
  - ensure that your actions are recorded.

#### **4. Contact with Applicants, Developers and Objectors**

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
  - follow the rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

**In addition in respect of presentations by applicants/developers:**



- **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

## 5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register [of interests](#) where its value is over £25 (in accordance with the authority's rules on gifts and hospitality).
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
  - seeking information through appropriate channels; or

- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

## 6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

## 7. Site Visits

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on

matters which are relevant to the site inspection.

- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit,
  - you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

## **8. Public Speaking at Meetings**

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## **9. Officers**

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## 10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section [38\(6\) of the Planning and Compulsory Purchase Act 2004](#) and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal [and that this is in accordance with the Council's protocol on deferrals].
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## 11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

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Based on the



## **Members' Planning Code of Good Practice**

Version 1

14<sup>th</sup> February, 2003

*(updated in respect of the Members Code of Conduct 2007)*

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**MEMBER'S DISCLOSURE OF INTEREST**

A Member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

<b>MEMBER'S NAME:</b>	
<b>MEETING OF:</b>	
<b>DATE OF MEETING:</b>	

❖ I disclose for the information of the meeting that I have a personal interest in \_\_\_\_\_ (1)  
which will be the subject of consideration by the meeting.  
THE NATURE OF THAT INTEREST IS \_\_\_\_\_ (2)

AND (3) [Delete if not applicable] (4)

❖ The personal interest is a prejudicial interest and I shall withdraw from the chamber during deliberation of the item.

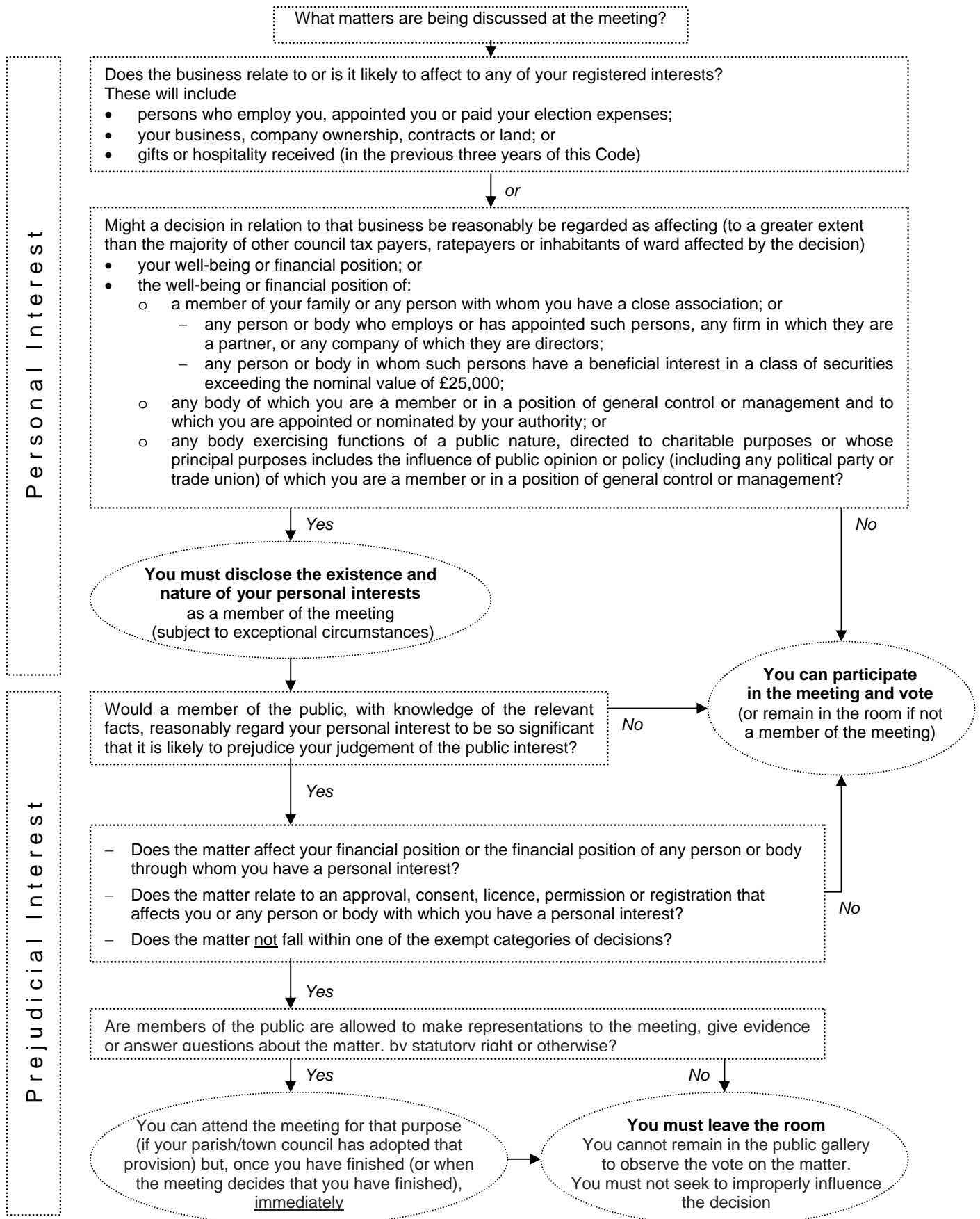
OR (4) [Delete if not applicable]

❖ The interest is disclosed on grounds of planning good practice, as I have or have appeared to judge [or reserve the right to judge] the planning matter elsewhere, including whilst serving on another body, and I will not take part in the debate or vote. I [will] [will not] [Delete as applicable] be also withdrawing from the chamber.

**SIGNED:** ..... **Dated** .....

- ❖ To be read out by the Member when invited to by the agenda or at the commencement of consideration of that item. PLEASE COMPLETE THIS FORM AND PASS IT TO THE COMMITTEE ADMINISTRATOR DURING THE MEETING.
- (1) State details of the item (agenda item, planning application number, etc.)
  - (2) State what the general nature of the personal interest in the matter is. (You do not need to supply specific details unless you wish to).
  - (3) State only if this is a prejudicial as well as a personal interest
- A Member with a prejudicial interest in any matter must also:*
- *withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting (or immediately after giving statements or evidence to where the Code and the Council's public participation rules permit it) unless s/he has obtained a dispensation from the Standards Committee;*
    - *not exercise executive functions in relation to that matter; and*
    - *not seek improperly to influence a decision about that matter.*
- (4) State where you have an interest which flows from fettering one's discretion as described in the Members' Planning Code of Good Practice.

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF (Non-Overview and Scrutiny Meetings)



## **NEW STANDARDS REGULATIONS**

**For information**

**Report of the Monitoring Officer**

### **EXECUTIVE SUMMARY**

#### **How does the content of this report improve the quality of life of Borough Residents**

Not applicable.

#### **Purpose of Report**

To update members on the Standards Committee (Further Provisions) (England) Regulations 2009

#### **Key Issues**

⇒ Standards Committees

#### **Financial Implications**

No direct financial implications arising from this report.

#### **Corporate Priority**

Not appropriate.

#### **Officer Recommendations**

To note the report.

**Contact: Michael Graham, Head of Corporate Governance, 01784 446227**

**Portfolio Holder: Councillor Colin Davis**



## **MAIN REPORT**

### **1. BACKGROUND**

- 1.1 The Government recently made regulations to implement some of the outstanding provisions relating to standards introduced by the Local Government and Public Involvement in Health Act 2007 (the Act). The Standards Committee (Further Provisions) England Regulations 2009 (the Regulations):
- (a) allow the Standards Board to suspend arrangements for the local assessment of complaints;
  - (b) empower councils to establish joint standards committees; and,
  - (c) empower standards committees to grant dispensations to councillors to allow them to participate in meetings when they have prejudicial interests.
- 1.2 The regulations came into force on 15 June 2009.

### **2. KEY ISSUES**

#### **Initial Assessment of Complaints**

- 2.1 The Act introduced a system for local standards committees to assess allegations of breaches of the Code of Conduct. However, provision was also made, for the Standards Board, in some circumstances, to suspend the initial assessment functions of local standards committees. If that happened the allegations would then have to be referred to the Standards Board or to the standards committee of another council. The Regulations specify the circumstances in which the Standards Board may give such a direction. These are:
- The local standards committee has failed to have regard to guidance issued by the Standards Board.
  - The local standards committee has failed to comply with a direction issued by the Standards Board.
  - The local standards committee or the council's Monitoring Officer has failed to carry out functions in a reasonable time or a reasonable manner.
  - The local authority or its standards committee has invited the Standards Board to give a direction.
- 2.2 Before giving a direction suspending functions of a standards committee, the Standards Board must notify the council in writing. This notice must set out the reasons for the proposed direction. The notice must give the council at least 28 days to submit observations to the Standards Board, and the Standards Board must take account of any observations it receives before deciding whether to give a direction.
- 2.3 Any final direction issued by the Standards Board must include the following:
- Details of the date from which it is to take effect
  - Reasons why it has been given
  - Details of the identity of any other council which will deal with the initial assessment of any written allegations received by the standards committee

- A requirement for the council to arrange for details of the direction to be published in at least one local newspaper, on the authority's web page if the Standards Board considers this appropriate, and in any other publication considered appropriate by the Standards Board.

2.4 If the Standards Board gives such a direction, the regulations provide for the Standards Board to later revoke it if it becomes satisfied that the circumstances which led to the direction no longer apply.

### **Joint Standards Committees**

2.5 The regulations allow two or more councils to set up a joint standards committee to discharge all or some of their standards functions.

2.6 Once a council has arranged for a joint standards committee to have responsibility for a particular function, the individual council would no longer be able to exercise that function itself. If a joint standards committee is responsible for all the functions of a standards committee then the joint standards committee is to be treated as the standards committee of each of the councils that set it up.

2.7 The membership of a joint standards committee must include at least one member from each council that establishes it but it must not include any more than one cabinet member of any of those councils. Joint standards committees will also be able to appoint independent members independently. There are also requirements for a member of each council which establishes a joint standards committee to be present at meetings where particular functions are discharged in order for the meeting to be quorate.

2.8 The councils which establish a joint standards committee must agree its terms of reference and send details of these and any updates to the Standards Board. The terms of reference must do the following:

- Identify the joint standards committee's functions
- Make provision for its administrative arrangements
- Specify the number of members to be appointed to the joint standards committee by the councils establishing it
- Make provision for the joint standards committee to appoint members to its sub-committees
- Specify what provision is made for the payment of allowances to members of the joint standards committee
- Make provision for a council to withdraw from the joint standards committee

### **Dispensations**

2.9 The Code of Conduct which has been adopted by councils requires councillors and co-opted members to withdraw from meetings when any matters in which they have a prejudicial interest is being discussed. However, they are not required to do so if they have obtained a dispensation from the standards committee. The regulations set out the circumstances in which standards committees may grant dispensations to a member. These are:

- The transaction of business of the council would be impeded because either more than 50% of the members who would otherwise be entitled to vote at a meeting would be prohibited from voting unless they are granted a dispensation or the number of members that are prohibited from voting at a

meeting would upset the political balance of the meeting unless dispensations are granted, and

- The member has submitted a written request to the standards committee for a dispensation, explaining why it is desirable, and
- The standards committee concludes that it is appropriate to grant the dispensation.

2.10 A dispensation can only be granted for four years. It cannot be granted to allow a member of an overview and scrutiny committee to participate in the scrutiny of a decision in which that member was involved. A dispensation cannot allow a Cabinet Member to exercise executive functions solely where he or she has a prejudicial interest.

2.11 The Regulations require standards committees to ensure that the granting of any dispensation is recorded in writing and that this is kept with council's register of members' interests.

### **3. OPTIONS ANALYSIS**

3.1 This report is for information.

### **4. PROPOSALS**

4.1 To note the report.

### **5. BENEFITS AND SUSTAINABILITY**

5.1 Not applicable.

### **6. FINANCIAL IMPLICATIONS**

6.1 Not applicable.

### **7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS**

7.1 Identified in the report.

### **8. RISKS AND HOW THEY WILL BE MITIGATED**

8.1 Not applicable.

### **9. TIMETABLE FOR IMPLEMENTATION**

9.1 Not applicable.

**Report Author: Michael Graham, Head of Corporate Governance, 01784 446227**

#### **Background Papers:**

There are none