

Standards Committee AGENDA

DATE: Wednesday 14 December 2011

TIME: 7.30 pm

VENUE: Committee Room 6,
Harrow Civic Centre

MEMBERSHIP (Quorum 2 Councillors and 1 Independent Person)

Chairman: Dr J Kirkland

Councillors:

Mano Dharmarajah
Brian Gate
Victoria Silver

Paul Osborn
Simon Williams

Independent Persons: Mr James Coyle
Mr Derek Lawrence (VC)

Reserve Members:

1. Mitzi Green
2. Asad Omar
3. Nana Asante

1. Chris Mote
2. Richard Romain
3. John Nickolay

Contact: Vishal Seegoolam, Senior Democratic Services Officer
Tel: 020 8424 1883 E-mail: vishal.seegoolam@harrow.gov.uk

AGENDA - PART I

1. ATTENDANCE BY RESERVE MEMBERS

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. DECLARATIONS OF INTEREST

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee;
- (b) all other Members present in any part of the room.

3. MINUTES (Pages 1 - 6)

That the minutes of the meeting held on 13 September 2011 be taken as read and signed as a correct record.

4. PUBLIC QUESTIONS

To receive questions (if any) from local residents/organisations under the provisions of Committee Procedure Rule 17 (Part 4B of the Constitution).

5. PETITIONS

To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Committee Procedure Rule 15 (Part 4B of the Constitution).

6. DEPUTATIONS

To receive deputations (if any) under the provisions of Committee Procedure Rule 16 (Part 4B) of the Constitution.

7. STANDARDS SUB-COMMITTEES (Pages 7 - 12)

Report of the Director of Legal and Governance Services.

8. THE FUTURE OF A STANDARDS REGIME AT LONDON BOROUGH OF HARROW (Pages 13 - 38)

Report of the Director of Legal and Governance Services.

9. APPLICATION FOR DISPENSATION (Pages 39 - 44)

Report of the Director of Legal and Governance Services.

AGENDA - PART II - NIL

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STANDARDS COMMITTEE

MINUTES

13 SEPTEMBER 2011

**Vice Chairman
in the Chair:** * Mr D Lawrence

Councillors: * Mano Dharmarajah * Victoria Silver
* Brian Gate * Simon Williams
* Paul Osborn

**Independent
Persons:** † Mr J Coyle
† Dr J Kirkland

* Denotes Member present
† Denotes apologies received

55. Attendance by Reserve Members

RESOLVED: To note that there were no Reserve Members in attendance at this meeting.

56. Declarations of Interest

RESOLVED: To note that there were no declarations of interest made by Members.

57. Minutes

RESOLVED: That the minutes of the meeting held on 16 June 2011 be taken as read and signed as a correct record.

58. Public Questions, Petitions and Deputations

The Committee were advised that a public question had been submitted after the relevant constitutional deadline. The Committee requested that officers respond to questioner directly.

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting.

RESOLVED ITEMS

59. The Future of a Standards Regime at London Borough of Harrow

The Committee received a report which provided an update on the recent meeting of the working group investigating the Future of the Standards Committee held on 4 August 2011 and contained a summary of the progress made on this subject by other authorities across London.

An officer reported that since the publication of the report, there had been significant progress made relating to the Localism Bill. A cross party amendment to the Bill had been proposed, which would have the impact of retaining the Standards regime but simply abolish Standards for England. This meant that a local Standards Committee, Independent Members, a compulsory Code of Conduct and sanctions, would all be retained. This was subject to agreement by the House of Commons and a debate was scheduled to take place imminently.

Members of the Committee made a number of comments during the discussion on this item as follows:

- it was felt that the second recommendation proposed in the report was still relevant, even though parliament would be debating the Localism Bill soon. It was important to advise the Department for Communities and Local Government (DCLG) of the Committee's views regarding retaining a Committee, formal sanctions and Independent Members;
- there was a general feeling amongst Members of the Council that any new Standards regime should retain an ability to impose formal sanctions. Members also believed that reducing unnecessary cost was also a key consideration for the future;
- it was important to ensure that members of the public had an ability to complain about Members and to be confident that the complaint was dealt with appropriately. The third recommendation of the report, requesting members of the public to complete a questionnaire on their views on the future of the Committee, would contribute towards achieving this aim.

RESOLVED: That

- (1) the Committee notes the comments of the working group regarding the type and content of a future standards regime;
- (2) the Chair of the Committee writes on behalf of the Committee to the Department of Communities and Local Government asking that the Localism Bill is amended so that it allows independent members to vote on the Standards Committee and that the Bill enables the Standards Committee to have sanctions to discipline members who breach the code of conduct. A couple of cases from the Standards for England website should also be attached to the letter as examples of how important the regime was;
- (3) a press release be published directing members of the public to an online questionnaire about the future of the Standards Committee.

60. Standards Decisions

The Committee received a report which detailed three complaints made against Members from other authorities nationally, which had been referred to Standards for England.

An officer reported that the first case involved a Councillor who had downloaded inappropriate material onto a computer provided by the Council. He received a criminal conviction for this offence. Even though this activity may have been considered private, relevant case law had been interpreted to find that it constituted behaviour which brought the office into disrepute as Council equipment had been used. The Councillor was disqualified from office for 5 years.

The second case involved a Mayor, who had hosted a ceremonial fundraising event. During the evening, it was alleged that the Lord Mayor had a conversation with a woman attending the event, which was sexually explicit in its nature. It was found that the conversation was embarrassing, offensive and disreputable and brought the office and authority into disrepute. The Lord Mayor was given a 3 month suspension from office and required to provide a written apology. The officer highlighted to the Committee that the sanction imposed had been particularly influenced by aggravating factors from the Mayor which included him attempting to malign the reputation of the complainant and impugn their standing.

The third case involved a Member who had arranged for another Councillor's commuting and travelling arrangements to be observed by utilising covert surveillance. The purpose of this was to obtain information to found an allegation that the relevant Councillor was neither residing nor working in the borough and so did not qualify to stand for election as a local Councillor. It was found that the Member had breached the Code of Conduct and imposed a one month suspension and required him to undertake relevant training. Aggravating factors were again a key factor in determining the sanction as the Member had shown no remorse or apologised for his actions.

During the discussion on this item, Members made a number of comments which included:

- in relation to the first case, there were instances such as these where regardless of whether they were acting in an official capacity or not, sanctions had to be imposed. Some offences which were repulsive, but did not carry a prison sentence, would be so inappropriate that it would be untenable for a Councillor to continue in their position. An officer clarified that due to case law, there had to be a link between private life and bringing the Council into disrepute in order for an offence to fall within the scope of the Code of Conduct. Subject to future legislation, if a Council adopted their own code, this was an issue that could be investigated and clarified;
- if a Councillor was able to avoid a criminal conviction due to a technicality, it could still potentially involve the Member breaching the Code of Conduct as they may have brought the authority into disrepute;
- it was still important to note that there could be instances where a Councillor was arrested but then it subsequently transpires that there is no case to answer. This also had to be accounted for;
- this first case study would be useful to send to the Department for Communities and Local Government as part of the previous agenda item relating to the future of the Standards regime. It would highlight that if the Standards Committee were not able to impose sanctions, this could create difficulties in the future. Other case studies relating to bullying, which the officer believed were relevant, should also be sent;
- a Member expressed his belief that Councils should have the ability to choose whether they would like to impose sanctions and have independent members as part of a local Standards Committee. The Council would then be held accountable for their choice of model by the electorate. Another Member expressed a contrary view saying that a standards regime should be compulsory, one of the reasons of which was to ensure fairness for Members of the public;
- in the second case study, it was not clear on what the views were of the person to whom the explicit comments were made. The case would have been a lot clearer if this person had been the complainant. A key issue was whether offence was caused to anyone. Consideration had to be given as to how people were offended if for example they listened to a private conversation, or if someone was offended by observing from across a room for example;
- this case study was an example of why it was important to retain a Standards regime. If the incident had been reported to the Police, it may not have taken precedent over other serious crimes. It could therefore lead to such an incident being construed as acceptable as there would be no consequences, which was undesirable;

- interpretation of body language in this case was probably difficult to assess. This was an issue that could cause difficulties if it was interpreted incorrectly;
- the fact that a Mayor was found to have breached the Code of Conduct meant that the Council's name would be highlighted therefore bringing it into disrepute;
- the sanction imposed on the Councillor for the third case study was slightly harsh. It was not clear to what extent the surveillance had taken place and the basis on which they had held their belief;
- the regular reports on case studies presented to each meeting had been useful in building up a framework of knowledge, fairness and consistency within the authority in relation to dealing with complaints against Members.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.16 pm).

(Signed) MR D LAWRENCE
Vice-Chairman in the Chair

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**REPORT FOR: STANDARDS
COMMITTEE**

Date of Meeting: 14 December 2011

Subject: **INFORMATION REPORT –
Standards Sub-Committees**

Responsible Officer: Hugh Peart, Director of Legal and
Governance Services

Exempt: No

Enclosures: None

Section 1 – Summary

This report sets out statistics in relation to the operation of the Assessment, Review and Hearing Sub-Committees, since first being introduced.

FOR INFORMATION

Section 2 – Report

Introduction

1. The current statutory framework in relation to dealing with complaints against Members is based on The Local Government and Public Involvement in Health Act 2007, which places obligations on the Standards Committee to deal with written allegations that a Member or Co-opted Member may have failed to comply with the Code of Conduct. These powers are in addition to the powers under Part III of the Local Government Act 2000.
2. At its meeting on 5th June 2008 the Standards Committee agreed its revised Terms of Reference. This included establishing the Assessment, Review and Hearing Sub-Committee for the purposes of considering complaints received on a possible breach of the Authority's Code of Conduct.
3. In summary, the complaints process against Members involves an Assessment Sub-Committee considering an initial complaint within 20 days. It decides if the complaint should be investigated, whether any other action is required (for e.g. speaking to the Councillor or extra training), referring the complaint to Standards for England if it is serious or decide no action is required.
4. If the complainant disagrees with the initial decision made by the Assessment Sub-Committee, they could ask a Review Sub-Committee to look at the complaint again. This Review Sub-Committee comprises of a different membership and has the same options available as the Assessment Sub-Committee.
5. If a case has been referred for investigation, it will initially be considered a Consideration Meeting of the Hearing Sub-Committee. This will look at whether there are any breaches of the code, identified in the Investigation Report, that need to be adjudicated on. If there are breaches of the Code identified, the Consideration Meeting can refer this to a final Hearing Sub-Committee or to Standards for England (SfE) if it is of a serious nature. If no breaches of the Code are identified, it could consider that a final meeting is not required.
6. At a final meeting of the Hearing Sub-Committee (if applicable), Members can then either find no breach or a breach of the Code and impose sanctions for example censure; suspension for a period not exceeding six months; a written apology in a form specified by the standards committee; undertaking training specified and participating in conciliation.
7. It is important to note that the current framework will be replaced by a new legislative framework contained in the Localism Act 2011, which received Royal Assent on 15 November 2011. Further details on the

specific proposals contained within this Act are being presented to the Committee at this meeting in a separate report.

Assessment Sub-Committee

8. There have been 36 complaints in total against Members, which have been initially considered by the Assessment Sub-Committee.
9. Of these complaints, 19 have been submitted by other Councillors whilst the remaining 17 have been submitted by members of the public or other organisations.
10. In terms of outcomes of complaints heard by the Assessment Sub-Committee, 23 of the complaints heard resulted in no further action. 13 of those complaints resulting in no further action had been submitted by other Councillors and 10 from members of the public other organisations.
11. 3 complaints were referred for other action. Additionally 5 complaints, which were found to have not breached the Code of Conduct included in the figures in paragraph 10, also resulted in suggestions for other action. 1 complaint included in the figures in paragraph 10, which was found to have breached the Code of Conduct, was also referred for other action. All of these complaints were submitted by other Councillors.
12. 9 complaints heard by the Assessment Sub-Committee were referred for formal investigation. Out of these, 3 complaints had been submitted by Councillors and 6 from members of the public / other organisations.
13. One complaint was formally reported to the SfE from the Assessment Sub-Committee. SfE found that there was no evidence of failure to comply with the Code. This complaint was submitted by a member of the public.

Review Sub-Committee

14. 7 complaints proceeded to the Review Sub-Committee Stage. Of these, in 6 cases the decision of the Assessment Sub-Committee for no further action was upheld. In one case the decision of the Assessment Sub-Committee was reversed resulting in an investigation taking place.
15. Out of the 7 complaints progressing to the Review Sub-Committee, 2 were raised by other Councillors and 5 from members of the public. The one request for a review, where the decision of the Assessment Sub-Committee was reversed, was submitted by a member of the public.

Hearing Sub-Committee

16. Out of the complaints referred for further investigation, there have been 3 Consideration Meetings and 3 final Hearing Sub-Committees. These have dealt with a total of 5 complaints, as in some cases they have related to the same Member and issues. The remaining complaints are currently being progressed.
17. At all 3 of the consideration meetings, it was determined that the breaches of the Code of Conduct identified in the Investigation Report should be referred to a final meeting of the Hearing Sub-Committee for determination.
18. At all 3 Hearing Sub-Committees, breaches of the Code of Conduct have been found. Sanctions imposed have involved:
 - submitting an apology;
 - submitting an apology by an agreed date or facing suspension for a month;
 - formal training to be conducted.

Section 3 – Further Information

19. Information contained in this report may also be useful for the Working Group looking at the future of the Standards Regime

Section 4 – Financial Implications

20. There are no financial implications associated with this report. All costs relating to complaints made have been met from the provision for legal fees.

Section 5 - Equalities implications

21. There are no equalities implications associated with this report.

Section 6 – Corporate Priorities

22. A transparent complaints process based on the statutory requirements contributes towards the corporate priority of:
 - United and involved communities: A Council that listens and leads.

Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 5 December 2011		
Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 30 November 2011		

Section 7 - Contact Details and Background Papers

Contact: Vishal Seegoolam, Senior Democratic Services Officer, 020 8424 1883

Background Papers:

The Local Government Act 2000

The Local Government and Public Involvement in Health Act 2007

The Localism Act 2011

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REPORT FOR: STANDARDS COMMITTEE

Date of Meeting:	14th December 2011
Subject:	The Future of a Standards regime at London Borough of Harrow
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Exempt:	No
Enclosures:	App 1 Issues for the working group to consider App 2 Current Code of Conduct

Section 1 – Summary and Recommendations

The Report addresses the options for maintaining high ethical standards in local government.

Recommendations:

That the Committee:-

- 1) Agree to continue with the member and officer working party to consider and produce recommendations about the type and content of a future standards regime.**
- 2) Comment on the proposed issues to be considered by the working group.**
- 3) The working party to report back to the Standards Committee.**

Section 2 – Report

1. At the Standards Committee in April 2011 Members received an up date of the main highlights to be included in the proposed Localism Bill together with suggestions relating to what could take the place of the current standards regime once the regime is abolished in 2012. Since then a member officer working group has been set up and has met on one occasion. The Localism Bill has now received royal assent and is now an Act. The Act is fundamentally different to the Bill and there is now a requirement for the council to have a code of conduct.
2. Members at past meetings have raised a number of issues which they felt needed to be addressed. These issues were:-
 - 2.1 there was a view that Independent Members should be retained by any future Standards Committee to ensure objectivity and impartiality;
 - 2.2 the Council could set its own standards and if there were any misdemeanours, there could be a public rebuke which would cause embarrassment for the Member concerned;
 - 2.3 it was important for residents to feel confident that any complaint made against a Member, was dealt with comprehensively;
 - 2.4 there was a desire not to be influenced by other authorities who may not wish to adopt a voluntary code of conduct or Standards Committee in the future.
3. **Main provisions of the Localism act in relation to the Standards regime**

In the House of Lords, the Government brought forward extensive amendments to the Bill. Essentially, the standards provisions which were in the Local Government Act 2000 have been restricted in their application to local authorities in Wales. So the new standards provisions relating to local authorities in England and police authorities in Wales are the provisions as set out in Clauses 27 - 37 of, and Schedule 4 to, the Localism Act. These provisions apply to all "relevant authorities", which are defined in Clause 27(4) to include both principal authorities and parish councils.

4. Implementation Date

This is due to be 1 April 2012 subject to a 2 month transitional period for resolving all outstanding complaints under the old regime.

5. Duty to promote and maintain high standards of conduct S 27

Every authority will be under a duty to promote and maintain high standards of conduct by elected and co-opted members of the authority. The definition of "co-opted member" is narrowed to apply to members of committees and sub-committees, but only those who have a power to vote on any matter, so not applying to non-voting members. If an authority wishes to retain co-opted independent members on a new non-statutory Standards Committee, such co-opted members can only be co-opted as non-voting members, and so would not be covered by the authority's new Code of Conduct.

6. Standards Committees

The provisions for the establishment of statutory Standards Committees (s.55 of the LGA2000) are omitted. Accordingly, when an authority can and wishes to delegate any standards functions to a committee or sub-committee, that would be an ordinary committee or sub-committee established under s.102 of the LGA 1972. That means:

- 6.1 The new Independent Persons would not be able to be voting members unless the committee or sub-committee was merely advisory (i.e. recommending to Council);
- 6.2 Any such Standards Committee is now subject to the normal proportionality rules;
- 6.3 Standards Committees would be subject to the same requirements on confidential and exempt information under ss.100A to K of, and Sch.12A to, the LGA 1972 as any other Committee. This means that the initial assessment process would only be confidential if one of the current part II rules apply.

7. Codes of Conduct S28

When the relevant part of the Localism Act comes into force this will mean that the Council's current code and councillor's declarations to comply with it will cease to have effect. Each authority is required to adopt a Code of Conduct, which can only apply to members and co-opted members when acting in their capacity as a member or co-opted member. The General Principles and the Model Code are revoked, but an authority's code must be consistent with seven principles, which are similar to the ten General

Principles that we had before, and must also provide for the registration of non-disclosable pecuniary interests and non-pecuniary interests. Otherwise, authorities are free to determine what they put in or leave out of a Code. Any decision to adopt or not to adopt a local code must be taken at full Council, and all standards matters are to be non-executive functions. The closer any new code is to the current code the more likely the council will be able to use the body of case law which has built up over the last few years.

8. The 7 new principles are:

Selflessness
Integrity
Objectivity
Accessibility
Openness
Honesty
Leadership

9. They do not include:

Personal judgement
Respect for others
Duty to uphold the law, and
Stewardship

The abolition of the Model Code means that different authorities may have very different Codes. A councillor who is a member of more than one authority is likely to be subject to different Codes, according to whether he/she is currently acting on this or that authority. It is understood that ACSes is developing a model code and when it is available it will be drawn to the attention of the working group.

10. Breach of Code

The council, is under a duty to “have in place arrangements” to deal with complaints of breach of the Code. This must comprise arrangements for investigation of complaints and arrangements “under which decisions on allegations can be made”. Notably, the requirement for members to give any undertaking to comply with the Code of Conduct is repealed. However the council could develop a local arrangement so that all councillors sign up to the new code.

10.1 The key differences from the previous regime are:

The council is able to set their own processes to replace the Review and Assesment sub committees and to delegate more of the process.

It would be possible for an authority to delegate the initial assessment and decision whether to investigate to the Monitoring Officer, after consultation with the Independent Person. There is no requirement for a review stage. Indeed the statutory requirement for a hearing disappears.

- 10.2 It is unlikely that authorities will be prepared to delegate substantive decisions to Monitoring Officers, and full Council would be inappropriate as a forum for conducting such a hearing, so it is likely that most authorities will need a Standards Committee or Hearings Sub-committee of some nature to undertake these functions at member level. The abolition of Statutory Standards Committees in England means the removal of the exclusion of Assessment and Review Sub-committees from public access to information provisions. As normal Section 101 Committees, they are now subject to the normal rules, so that their agenda and reports must be published five clear days before the meeting, and the meetings must be conducted in public unless there are over-riding reasons to the contrary. That also removes the ability for the Hearings Panel to withdraw when considering its verdict.
- 10.3 There is greater scope to enable the Monitoring Officer to seek local resolution of a complaint before a decision is taken as to whether the complaint merits investigation.
- 10.4 This may enable the more minor or tit-for-tat complaints to be taken out of the system without the full process previously required. The Act gives no powers to undertake investigations or to conduct hearings. So there is no power to require access to documents or to require members or officers to attend interviews, and no power to require the member to attend a hearing. The Act gives authorities no powers to take any action in respect of a breach of the local Code. Amendments which would have given authorities an express power to suspend a member from Committees for up to 6 months were never moved, and the Secretary of State suggested in debate that authorities could do so under existing powers. However such removal would require the consent of the member's group leader. Alternative sanctions may as now be given as a sanction, such as suggesting but not requiring an apology or training. Also naming and shaming the individual member would be available
- 10.5 In the Local Government Act 2000, the power of sanction came as part of a package with the safeguards to ensure that such power was exercised fairly. Without the procedural requirements (notably Independent members of Standards Committees, and the requirement that such decisions be taken by Standards Committees

or Sub-Committees), The fact that authorities must define standards of conduct in their local code, and must consider and investigate breaches of Code, is likely to give rise to a degree of frustration when a member is found to have been in flagrant breach of the local code, perhaps for personal advantage and to the detriment of the authority and of the public interest, even causing considerable damage to the authority and to individuals, and yet the authority has no ability to impose sanctions or to prevent the member continuing to act in exactly the same manner.

11. Independent Persons (IP)

The Bill was amended to require every principal authority to appoint one or more IPs. IPs would be appointed by advertisement and application, and there are very strict rules preventing a person from being appointed if they are a friend or relative to any member or officer of the authority, or of any Parish Council within the authority's area. In particular, the Act provides that a person cannot be appointed as an IP if they have within the past 5 years been a co-opted voting member of a Committee of the authority. This means that all existing independent co-opted members of Standards Committees are ineligible to be appointed as an IP although they could be co-opted non voting members

The IP must be consulted before the authority takes a decision to investigate any allegation. So it is possible to delegate this decision to the Monitoring Officer after consulting the IP. The IP may be consulted by a member of the authority against whom an allegation has been made. But, if they were so consulted they would no longer be impartial and would not be able to participate impartially in the determination of that allegation. The authority can pay the IP expenses and an allowance.

12. Registers of members' interests s29

12.1 The Monitoring Officer is required to establish a register of members' interests for each authority and to define what interests must be registered. The content of any such register must be approved by full Council. It must contain "disclosable pecuniary interests" (which will be defined in regulations) but the Act also provides that an authority's Code must require registration of non-disclosable pecuniary interests and non-pecuniary interests, for which no definition is provided. It is hoped that definitions will be provided in regulations.

12.2 The Monitoring Officer is responsible for ensuring that each authority's register of interests is kept within the principal authority's area (e.g. at the principal authority's offices) and on the authority's website. Every elected or co-opted member is required to notify the

Monitoring Officer within 28 days of being elected or co-opted onto the authority of all current “disclosable pecuniary interests of which they are aware, and update the register within 28 days of being re-elected or re-appointed. There is no continuing duty to update the register due to a change of circumstances. The Secretary of State will prescribe by regulation what constitutes a “disclosable pecuniary interest”. The Act provides that this will cover the interests not just of the member, but also of his/her spouse, civil partner or person with whom he/she lives as if they were spouses or civil partners, in so far as the member is aware of his/her partner’s interests. Failure to register any such interest, to do so within 28 days of election or co-option, for the provision of misleading information on registration without reasonable excuse will be a criminal offence, potentially carrying a Scale 5 fine (this is currently £5,000) and/or disqualification from being a councillor for up to five years. Prosecution is only at the instance of the Director of Public Prosecutions.

- 12.3 Once a member has made the initial registration, there is no requirement to update such registrations for changes of circumstances, such as the acquisition of development land, unless and until a relevant item of business arises at a meeting which the member attends.

13. Disclosures of Interests at Meetings S31

- 13.1 The requirement for disclosure of interests at meetings applies to the same range of "disclosable pecuniary interests" as the initial registration requirement, plus any non-disclosable pecuniary interests and non-pecuniary interests which the authority’s Code requires to be disclosed. However, the duty to disclose only arises if the member is aware of the interest. The Act requires the disclosure of the interest, rather than the existence and nature of the interest, although the provisions on sensitive interests imply that the member must still disclose both existence and nature. Where the interest is already on the authority's register of interests, or is in the process of entry onto the register having been notified to the Monitoring Officer, the member is under no obligation to disclose the interest at the meeting, so members of the public attending meetings might well not be aware of a member's interests in a matter under debate unless he/she had also previously inspected the authority's register. This inconsistency could be rectified in the council’s rules of procedure.
- 13.2 Where it is an unregistered interest, the member is required both to disclose it at the meeting and to register it within 28 days of the

meeting at which relevant business is considered. The duty to disclose arises if the member attends the meeting, as opposed to the present code requirement to disclose before the start of consideration of the matter in which the member has an interest. This would appear to mean that the member cannot avoid the need to disclose merely by withdrawing during that part of the meeting when the particular item of business is considered. If he/she attends any part of the meeting and a relevant item of business is to be considered, he/she must make disclosure.

- 13.3 Failure to disclose a disclosable pecuniary interest is made a criminal offence. There is no such sanction for failing to disclose non-disclosable pecuniary interests or non-pecuniary interests, even where disclosure is required by the authority's Code of Conduct.

14. Prohibition on participation s31

14.1 The concept of a prejudicial interest, which requires disclosure and withdrawal, is carried forward to cover a member's disclosable pecuniary interest in any item of business at a meeting, or in any matter which he/she would deal with as a single executive member or ward councillor. If he/she has a disclosable pecuniary interest in such a matter, he/she is simply barred from participating in discussion or voting on the matter at the meeting, or (as a single member) taking any steps in respect of the matter other than referring it to someone else for determination.

14.2 The sole exception to this exclusion arises as a result of a dispensation, so that the right of a councillor to speak as a member of the public and then depart for the consideration of the matter under para.12(2) appears to have been lost. Participation in the discussion of the matter, or taking steps in respect of the matter, in the face of these prohibitions is made a criminal offence. The equivalent of merely personal interests, requiring disclosure but not withdrawal, would be provided by the requirement for the authority's Code to make some provision for disclosure of non-disclosable pecuniary interests and of non-pecuniary interests.

15. Exclusion from the meeting

The requirement for the member to withdraw from the meeting room is not set out on the face of the statute, but the statute provides that it may be dealt with in the authority's rules of procedure.

16. Sensitive Interests s32

Members can ask the Monitoring Officer to exclude from the public register any details which, if disclosed, might lead to a threat of violence or intimidation to the member or any person in the member's household, and allowing the member merely to recite at the meeting that he /she has a disclosable pecuniary interest, rather than giving details of that interest. The scope of sensitive interests is slightly extended, from the member and members of his/her household, to cover "any person connected with the member".

17. Dispensations S 33

The current rules of dispensations are:

17.1 The first ground for a dispensation, that more than 50% of the members of the body were conflicted out, did not work because members rarely knew how many members would be conflicted out in sufficient time to allow for convening Standards Committee.

17.2 The second ground, that it would disturb the political composition of the meeting and so affect the outcome of the vote, required that the applicant knew in advance how each member would vote.

17.3 Now the grounds on which a dispensation may be granted are extended, and the power to grant a dispensation can be delegated, for example to the Monitoring Officer, enabling dispensations to be granted at relatively short notice.

17.4 The first ground (above) remains, but now effectively restricted to a circumstance where the number of members unable to participate would make the meeting inquorate. The second ground remains unchanged but now dispensations may also be granted if: every member of the authority's executive is otherwise precluded from participating it would be in the interests of persons living in the authority's area; and the authority considers that it is otherwise appropriate to grant a dispensation.

18. Transitional provisions S 37

The Act makes provision for the Secretary of State to make transitional provisions by statutory instrument, providing that matters under investigation by the Standards Board be transferred to the local authority. The Government previously published proposals under which authorities would have a period of two months from the implementation of the Act to resolve all outstanding complaints.

19. Risk Management Implications

Failing to stay informed about developments in the standards framework may impact on the ability of the Standards Committee to perform its role to a high standard and plan for the future.

20. Relevant Objectives of the Standards Committee

This report contributes towards the objective of “Internal Control” to ensure strong ethical governance is in place.

21. Corporate Priorities

This Report is relevant to the corporate priority to united and individual communities: a council that listens and leads.

22. Financial Implications

There are no financial implications currently identifiable, although it is possible that changes to the standards regime would have cost implications. These would be subject to further reports before implementation.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 3.12.2011		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 3.12. 2011		

Section 4 - Contact Details and Background Papers

Contact:

Jessica Farmer, Head of Legal Services – Legal Services, 0208 420 9889
Vishal Seegoolam, Senior Democratic Services Officer, 020 8424 1883

Background Papers: None

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	YES

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Appendix 1

Possible issues for the Working Group to Consider

1. Does the council wish to improve of Paragraphs 3-7 of the Model Code?
2. Does the council wish to adopt a totally new Code?

1. Withdrawal from meetings

- 1.1 Does the council wish to recommend a new Rule of Procedure to Council for approval?
- 1.2 Should members withdraw for Disclosable Pecuniary Interests, or all Pecuniary Interests?
- 1.3 Should withdrawal preclude the member from sitting in the public gallery for that item of business?

2. Independent Persons

- 2.1 What role do we expect Independent Persons to play?
- 2.2 How many independent Persons do we need?
- 2.3 Should the independent Persons be co-opted as non-voting members of a new Standards Committee?
- 2.4 What allowances should the Independent Persons receive?

3. Standards Committee

- 3.1 Do we need a Standards Committee?
- 3.2 Who should it comprise? Particularly, should it include co-opted Independent Persons

4. Allegations

- 4.1 Who should take the decision whether an allegation merits investigation?
 - a) Standards Committee
 - b) A Sub-committee of Standards Committee?
 - c) The Monitoring Officer (perhaps after consultation with the Independent Person and/or the Chair of Standards Committee)

5. Procedures

- 5.1 Where an investigation finds evidence of misconduct, should the matter go direct to a hearing?

5.2 Should any hearing be conducted by –

- a) Standards Committee
- b) A Hearings Panel

5.3 What sanctions should the hearing be able to impose?

6. Dispensations

6.1 Who should receive requests for dispensations?

6.2 Who should have power to grant dispensations?

- a) Standards Committee
- b) A Dispensations Panel
- c) The Monitoring Officer (perhaps after consultation with the Independent Person and/or Chair of Standards Committee)

6.3 How can we secure the co-operation of the Police?

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A. CODE OF CONDUCT FOR COUNCILLORS

This Code has been prepared and adopted by Harrow Council. Every Member (including co-opted members) has signed an undertaking to comply with it. The parts of the text printed in bold comprise the mandatory provisions; the rest comprises additional text approved by the Authority.

Part 1

General provisions

Introduction and interpretation

- 1.1 This Code defines the standards of conduct, which will be required of you and in your relationships with the Authority and its Officers.
- 1.2 The Code represents the standard against which the public, fellow Councillors, the Standards Board and the Authority's Standards Committee will judge your conduct. A breach of the Code may also be deemed by the Ombudsman as incompatible with good administration, and may lead to a finding of maladministration against the Authority.
- 1.3 You should familiarise yourself with the requirements of this Code. You should regularly review your personal circumstances, particularly when those circumstances change. If in any doubt, you should seek advice from the Authority's Monitoring Officer.
- 1.4
 - (1) This Code applies to you as a member of an authority.**
 - (2) You should read this Code together with the general principles prescribed by the Secretary of State.**
 - (3) It is your responsibility to comply with the provisions of this Code.**
 - (4) In this Code –**
 - “meeting” means any meeting of -**
 - (a) the authority;**
 - (b) the executive of the authority;**
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;**

“member” includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

- 2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you -**
- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or**
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,**

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

- (5) Where you act as a representative of your authority -**
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or**
 - (b) on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.**

General obligations

- 3. (1) You must treat others with respect.**
- (2) You must not-**
- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006**
 - (b) bully any person;**
 - (c) intimidate or attempt to intimidate any person who is or is likely to be**
 - (i) a complainant,**
 - (ii) a witness, or**
 - (iii) involved in the administration of any investigation or proceedings,****in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or**
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.**
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.**
- 4. You must not -**
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -**
 - (i) you have the consent of a person authorised to give it;**
 - (ii) you are required by law to do so;**

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is -

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6.1 (1) You –

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority -

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

6.2 You may have dealings with the Authority on a personal level, for instance as a council tax payer, 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. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment. Likewise, you should never use your position as a member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

6.3 You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the authority for your use in your duties as a Councillor or a committee member or member of the Executive are used strictly for those duties and for no other purpose.

7.1 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –

(a) your authority’s chief finance officer; or

(b) your authority’s monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

7.2 When reaching decisions you should -

(i) not act or cause the Authority to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking to the Court, or for the advantage of any particular person or interest rather than in the public interest; and

(ii) take into account all material information of which you are aware and then take the decision on its merits and in the public interest

Part 2

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either -

(a) it relates to or is likely to affect -

(i) any body of which you are a member or in a position of general control or, management and to which you are appointed or nominated by your authority;

(ii) any body -

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

- of which you are a member or in a position of general control or management;**
- (iii) any employment or business carried on by you;**
 - (iv) any person or body who employs or has appointed you;**
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;**
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);**
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);**
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;**
 - (ix) any land in your authority's area in which you have a beneficial interest;**
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;**
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or**
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of -**
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;**

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is -

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.1 (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

- 9.2 For the avoidance of doubt if you have a personal (but not prejudicial) interest and observe a meeting from the public gallery (or any part of the room or chamber) but do not address the meeting or take part in the discussion you are nevertheless deemed to be attending the meeting and are required to declare the interest.
- 9.3 Decision-making by a single executive member is a matter of particular sensitivity, and if you have a personal interest in a matter on which you may take a decision, even if it is not a prejudicial interest, you should wherever possible refer the matter to the Executive for a collective decision.

Prejudicial interest generally

10.1 (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business -

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of -

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;**
- (iv) an allowance, payment or indemnity given to members;**
- (v) any ceremonial honour given to members; and**
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.**

10.2 If you are in any doubt as to whether you should continue to participate in any matter, you should

- (a) consider whether a member of the public - if he or she knew all the facts - would reasonably think that your personal interest was so important that your decision on the matter would be affected by it. If he or she would think that your judgement would be affected, then it is likely that you have a prejudicial interest; and
- (b) take advice from the Monitoring Officer at an early stage as to whether your circumstances permit continued participation.

10.3 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 Authority is responsible. Such interests may be substantial and closely related to the work of the Executive or one or more of the Authority's committees.

You should not seek, or accept, membership of the Executive or any such committee, if that would involve you in disclosing an interest so often that you could be of little value to the Executive or committee, or if it would be likely to weaken public confidence in the duty of the Executive or committee to work solely in the general public interest.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where -

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and**
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.**

Effect of prejudicial interests on participation

12.1 (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –

(a) you must withdraw from the room or chamber where a meeting considering the business is being held –

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of –

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability or inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

THE 10 GENERAL PRINCIPLES OF CONDUCT

Members are reminded of the 10 General Principles of Conduct (as set out below), which govern the conduct of members.

1. **Selflessness** - Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
2. **Honesty and Integrity** - Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
3. **Objectivity** - Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
4. **Accountability** - Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
5. **Openness** - Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
6. **Personal judgement** - Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
7. **Respect for others** - Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.
8. **Duty to Uphold the Law** - Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
9. **Stewardship** - Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.
10. **Leadership** - Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

REPORT FOR: Standards Committee

Date of Meeting:	14 December 2011
Subject:	Application for Dispensation
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Exempt:	No
Enclosures:	Appendix 1 - names of those members requesting a dispensation

Section 1 – Summary and Recommendations

This report sets out details of an application made by a number of Members for the Standards Committee to grant a dispensation.

Recommendations:

The Committee is requested to consider whether or not to grant a dispensation in relation to the application.

Reason: (For recommendation)

To ensure compliance with the Local Government Act 2000 and the Standards Committee (Further Provisions) (England) Regulations 2009.

Section 2 – Report

1. The Monitoring Officer has received a request for a dispensation from a number of members of the Overview and Scrutiny Committee.
2. Under the Council's Code of Conduct, where a Member has a prejudicial interest in any business of the authority, that Member must withdraw from the meeting considering that relevant item of business, unless a dispensation has been granted by the Standards Committee.
3. The term prejudicial is defined in the Code of Conduct by meaning any 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 judgement of the public interest.
4. The request relates to granting a dispensation in respect of meetings of the Overview and Scrutiny Committee where business relates to general discussions about schools, including academies, (not specific schools) including discussions about education results and Service Level Agreements.
5. The request is limited to a dispensation to stay and speak, not to vote.
6. The Standards Committee (Further Provisions) (England) Regulations 2009 allow dispensations to be granted where the business of the authority would be impeded because either:
 - a. More than 50% of the members of the decision-making body (Council, Committee, Sub-Committee or Cabinet) would, but for the granting of any dispensations, be otherwise prohibited from voting on the matter, or
 - b. The absence of members as a consequence of prejudicial interests would, but for the granting of any dispensations, upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting.
7. A dispensation can be granted in respect of a particular meeting or for a period not exceeding four years.
8. In this case the dispensation is requested for a period of one year or when the new provisions on dispensations in the Localism Act come into force, whichever is the earlier.
9. The make up of the Overview and Scrutiny Committee consists of:
 - a. 5 Labour members
 - b. 4 Conservative members
 - c. 4 co-optees (although currently there is one vacancy)
10. The Committee does not have a decision-making function but carries out scrutiny in respect of education issues. The presence of members

who are governors of schools should improve the quality of information that the Committee has before them.

11. The list at Appendix 1 shows all members of the Overview and Scrutiny Committee, their political party and which ones are school governors. The names of members who are requesting a dispensation are highlighted in bold type.
12. The Standards Committee are requested to consider the application and determine whether the dispensation should be granted.

Financial Implications

There are no financial implications related to this decision.

Risk Management Implications

There are no risks related to this decision.

Risk included on Directorate risk register? No

Separate risk register in place? No

Equalities implications

There are no equalities implications associated with this report.

Corporate Priorities

The issue of whether to grant dispensations or not is relevant to the corporate priority of United and involved communities: A Council that listens and leads.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 6 December 2011		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 6 December 2011		

Section 4 - Contact Details and Background Papers

Contact: Caroline Eccles, Senior Assistant Lawyer, 0208 424 7580

Background Papers: none

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO

Members of overview and scrutiny committee

The names of those members requesting a dispensation are shown in bold.

Name	School Governor?	Party
Jerry Miles	No	Labour
Sue Anderson	No	Labour
Ann Gate	Yes	Labour
Sachin Shah	Yes	Labour
Victoria Silver	No	Labour
Kamljit Chana	Yes	Conservative
Barry Mcleod-Cullinane	No	Conservative
Paul Osborn	Yes	Conservative
Stephen Wright	Yes	Conservative
Nana Asante (reserve)	Yes	Labour
Varsha Parmar (reserve)	Yes	Labour
Krishna Suresh (reserve)	Yes	Labour
Sasikala Suresh (reserve)	No	Labour
Krishna James (reserve)	No	Labour
Chris Mote (reserve)	No	Conservative
Tony Ferrari (reserve)	Yes	Conservative

Christine Bednell (reserve)	Yes	Conservative
Susan Hall (reserve)	No	Conservative
Mrs J Rammelt (co-optee)	No	
Reverend P Reece (co-optee)	Yes	
Mrs A Khan (co-optee)	Yes	