

### **STANDARDS COMMITTEE**

**WEDNESDAY 19 DECEMBER 2012 AT 7.30 PM**

**GADE ROOM, CIVIC CENTRE, HEMEL HEMPSTEAD**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Flint  
Councillor Mrs Green  
Councillor Lloyd

Councillor Rance  
Councillor Wood

**Co-opted Representatives of the Parish and Town Councils:**

Councillor Allan (Tring Town Council Member),  
Councillor Steer (Bovingdon Parish Council Member)

**Independent Co-opted Representative**

Amy Willcox  
Andrew Russell

**Also invited to attend:**

Rachel Keil  
Councillor McCarthy (Aldbury Parish Council) – Substitute Co-opted Representative of the Parish and Town Councils:

The Assistant Director (Legal, Democratic and Regulatory) and a Member Support Officer

For further information, please contact Pauline Bowles, Member Support Officer, on Tel: 01442 228221, Fax: 01442 228264, E-mail: [pauline.bowles@dacorum.gov.uk](mailto:pauline.bowles@dacorum.gov.uk) or visit our web-site: [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

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**1. APPOINTMENT OF CHAIRMAN**

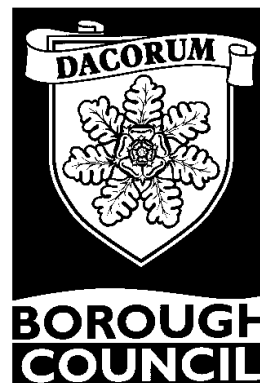
To appoint a Chairman for the Standards Committee to serve until the Annual Meeting of Council of the Council in 2013

**2. MINUTES**

To confirm the minutes of the meeting held on 20 September 2012 (Circulated separately).

**3. APOLOGIES FOR ABSENCE**

To receive any apologies for absence



**AGENDA ITEM: 4**  
**SUMMARY**

<b>Report for:</b>	<b>Standards Committee</b>
<b>Date of meeting:</b>	<b>19<sup>th</sup> December 2012</b>
<b>PART:</b>	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	<b>NEW STANDARDS REGIME - UPDATE</b>
Contact:	Steven Baker, Assistant Director (Legal, Democratic & Regulatory) Directline: 01442 228229, internal extension: 2229 steve.baker@dacorum.gov.uk
Purpose of report:	To update Members on the implementation of the new standards regime which came into force in July 2012.
Recommendation	<ol style="list-style-type: none"> <li>1. That Members note the progress made in implementing the new standards regime introduced by the Localism Act 2011.</li> <li>2. That the Committee instruct the Monitoring Officer to arrange for appropriate training for the Independent Person and the Members of the Committee in consultation with the Chairman of the Committee.</li> </ol>
Corporate objectives:	The promotion and maintenance of high standards of conduct by Members of the Council will assist the Council in achieving its priorities of performance excellence and reputation and profile delivery.
Implications: 'Value For Money'	There are financial and efficiency costs to the Council in having to deal with complaints made under the Code of Conduct. There are, therefore, value for money benefits to the Council in striving to ensure that complaints against Members are

Implications'	minimised are as far as possible and any complaints that are received are dealt with as cost effectively as possible.
Risk Implications	The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council as a whole.
Monitoring Officer	This is a report prepared by the Assistant Director (Legal, Democratic & Regulatory) in his capacity as Monitoring Officer.
Consultees:	None
Background papers:	The relevant background papers are attached to this report.

## BACKGROUND REPORT

1. The aim of this report is to provide the Committee with an update on progress made on the implementation of the new standards regime introduced by the Localism Act 2011, and which came into force in July this year. The final pieces of the 'standards jigsaw' are now in place.

### Adoption of Code of Conduct for Members

2. Under the Localism Act (the Act) it is compulsory for the Council to adopt a Code of Conduct to replace the former national model Code which was abolished by the Act. The new Code (Appendix 1) was adopted by full Council on 11<sup>th</sup> July.
3. The Council must have a Code, but the Act leaves it for the authority to decide what goes into the Code with the exception of the rules on Disclosable Pecuniary Interests. However, the Code must, when viewed as a whole, be consistent with the principles of selflessness; integrity; objectivity; accountability; openness; honesty, and leadership.
4. The Code must set out the requirements for the registration and disclosure of Disclosable Pecuniary Interests (DPIs) and any non-pecuniary interests which the Council thinks are appropriate to include. Separate Regulations made under the Act define the categories of DPIs and these definitions are set out in the Code.
5. The contents of the Code can be changed by agreement of full Council apart from the provisions relating to DPIs. However, any amendments to the Code must be consistent with the seven principles referred to above. One of the functions of the new Standards Committee is to keep the operation of the Code under review and to make recommendations to Council if it decides that changes are appropriate.

### Appointment of Independent Person

6. Under the Act the Council must appoint an Independent Person (IP). The IP plays an active role in the Council's arrangements for dealing with standards

complaints. The IP is consulted by the Monitoring Officer whenever a complaint about a member is received, and is involved in the initial assessment of the complaint and the decision as to whether or not it should be investigated. The IP is not a member of the Standards Committee but will be invited to attend meetings and is consulted before any action is taken against a Member who the Committee has found to be in breach of the Code.

7. Members will be aware that at the Council meeting on 21<sup>st</sup> November Rachel Keil was appointed as the IP. Rachel has been invited to attend this meeting.

#### Appointment of Standards Committee

8. Under the former standards regime it was a legal requirement to appoint a Standards Committee. The Act abolished that requirement and, therefore, it is a matter of choice for the Council as to whether it appoints a Standards Committee. At its meeting on 16<sup>th</sup> May the Council decided to appoint a new Standards Committee consisting of; five Borough Councillors; two co-opted (non-voting) Councillors from the Parish and Town Councils; 2 co-opted (non-voting) independent members. Amy Wilcox was appointed as one of the independent members by Council on 11<sup>th</sup> July, and Andrew Russell was appointed as the other independent member on 21<sup>st</sup> November.

#### New Terms of Reference

9. The new Standards Committee met for the first time on 20<sup>th</sup> September. It recommended new terms of reference to the Council (Appendix 2) which were duly adopted at the Council meeting on 21<sup>st</sup> November.

#### New Procedure for Handling Complaints

10. Under the Localism Act the Council must have in place “arrangements” under which complaints about members of the Council can be investigated and decisions made on those complaints. The Council’s arrangements must also extend to complaints made about members of the Parish and Town Councils in the area of Dacorum. The Council’s arrangements for dealing with complaints must include the appointment of an Independent Person (see above).
11. The Standards Committee at its meeting on 20<sup>th</sup> September considered a draft Complaints Procedure and a Complaints Form prepared by the Monitoring Officer. A copy of the Complaints Procedure as approved by the Committee is included with the report (Appendix 3). The new complaints procedure agreed by the Standards Committee constitutes the Councils’ “arrangements”. It explains the process and, importantly, sets out the criteria against which complaints will be assessed and makes clear that a complaint has to be sufficiently serious to justify investigation.
12. On the recommendation of the Committee the complaint form has been amended so that there are two forms; one for complaints about Borough Council members, and the other for members of a Parish or Town Council (Appendices 4a and 4b).

## Completion of Register of Members' Interests

13. There is a duty under the Act to compile and maintain a register of interests for all members of the Borough Council and the Parish and Town Councils. The register must be available for public inspection and published on the Council's website.
14. Registration forms (Appendices 5a and 5b) were sent out to all members of the Borough Council and to the Parish and Town Clerks to distribute to their members. A large number of completed forms had to be returned for correction. The main reasons for this were –
  - Failure to state “none” when no interest to register under a certain category
  - Failure to register residential address under land in the Borough in which a member has a beneficial interest
  - Not signed
15. The register is available in paper form for public inspection and is kept in the office of the Member Support Team. The completed forms have been uploaded on to the Council's website and appear in each Member's individual profile. The registers for the Parish and Town Councils have also been uploaded on to the Council's website.

## Training for Members

16. The Monitoring Officer attended a joint meeting of the Conservative and Liberal Democrat Groups on 20<sup>th</sup> November and gave a talk on the main requirements of the new standards regime and, in particular, the rules concerning Disclosable Pecuniary Interests. There followed a question and answer session during which many members took the opportunity to ask specific questions. The feedback from members following this session was that they found it very useful.
17. It is important that the Independent Person and the members of the Standards Committee receive training on the Code of Conduct and, in particular, the complaints handling process. It is therefore recommended that the Monitoring Officer is instructed to arrange appropriate training for the Independent Person and the members of the Standards Committee in consultation with the Chairman of the Committee.

**APPENDIX 1**  
**DACORUM BOROUGH COUNCIL**  
**CODE OF CONDUCT FOR MEMBERS**

(Adopted by Council 11<sup>th</sup> July 2012)

**Part 1**

**General Provisions**

**1. Introduction and interpretation**

- (1) As a member you are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority. This Code deals with the conduct that is expected of you as a member of this authority when you are acting in that capacity.

The Code has been drawn up in accordance with Section 28 of the Localism Act 2011 (the Act). The provisions of this Code are consistent with the seven principles contained in Section 28(1) of the Act (the so-called “Nolan Principles”) and these are set out in Appendix 1.

- (2) 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;
- (d) any Task and Finish Group or similar internal body;
- (e) one or more members with an officer or officers of the authority, including any briefings by officers and site visits organised by the authority; or
- (f) any other meeting (except party group meetings) where one or more members are attending in an official capacity (or might reasonably be regarded by a member of the public as attending in an official capacity);

**2. Who does the Code apply to?**

- (1) This Code applies to all members of Dacorum Borough Council, including co-opted members.
- (2) It is your responsibility to comply with the provisions of this Code.

### **3. What does the Code apply to?**

- (1) This Code applies to your conduct when you are acting in the capacity of an elected member or co-opted member of the Council or its Committees and Sub-Committees.
- (2) You must comply with this Code whenever you-
  - (a) conduct the business of the 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 the authority,and references to your official capacity are construed accordingly.
- (3) This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (4) Where you act as a representative of the 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 this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **4. General Obligations**

- (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;
  - (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 comprises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.



## **5. Confidential Information**

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.

## **6. Not bringing the authority into disrepute**

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

## **7. Conferring an advantage or disadvantage**

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 the authority-
  - (i) act in accordance with the 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.

## **8. Decision-making**

- (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by-
  - (a) the authority's chief finance officer; or
  - (b) the 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 the authority.

## **Part 2**

### **Members' Interests**

## **9. Disclosable Pecuniary Interests**

You have a disclosable pecuniary interest in any business of the authority if it is of a description set out in Appendix 2 and is either-

- (a) an interest of yours, or
- (b) an interest of-
  - (i) your spouse or civil partner,
  - (ii) a person with whom you are living with as husband and wife, or
  - (iii) a person with whom you are living with as if you were civil partners,and you are aware that that other person has the interest.

## **10. Other Personal Interests**

- (1) You have a personal interest in any business of the 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 the 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) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(iv) any person or body who employs or has appointed you; 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 other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

(2) In sub-paragraph (1)(b), a relevant person is a member of your family or any person with whom you have a close association.

## **11. Disclosure of Personal Interests**

(1) Where you have a **personal interest** under paragraph 10 in any business of the authority and you attend a meeting of the authority at which the business is to be considered, you must disclose to that meeting the existence and nature of that interest before the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business which relates to or is likely to affect a body described in paragraph 10(1)(a)(i) – i.e. a body to which you have been appointed as the authority's nominee – or 10(1)(a)(ii)(aa) – i.e. a body exercising functions of a public nature of which you are a member or in a position of general control or management - you need only disclose to the meeting the existence and nature of that interest if and 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 10(1)(a)(iii) – i.e. where you have received a gift or hospitality from a person worth at least £25 – you need not disclose the nature and 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 17, sensitive information relating to it is not registered in the 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 14(c), where you have a personal interest in any business of the 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.

## **12. Prejudicial Interests Generally**

- (1) Subject to sub-paragraph (2), where you have a **personal interest** under paragraph 10 in any business of the 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 10;
  - (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 10; or
  - (c) relates to the functions of the 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) 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.

## **13. Prejudicial interests arising in relation to overview and scrutiny committees**

You also have a prejudicial interest in any business before an overview and scrutiny committee of the 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 the authority's executive or another of the 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.

**14. Effect of prejudicial interests on participation**

Where you have a prejudicial interest in any business of the authority under paragraph 12 which is to be considered at a meeting (including a meeting of an overview and scrutiny committee) at which you are present--

- (a) you must, unless paragraph 11(5) applies (sensitive information) disclose the existence and nature of the interest in accordance with paragraph 11(1)

and, unless the meeting is a Council meeting, you must move to the public seating area until that business has been concluded;

- (b) you must not, unless you have obtained dispensation from the monitoring officer, participate in any discussion or voting on the matter, except that you may still make representations, answer questions or give evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose;
- (c) you must not exercise executive functions in relation to that business; and
- (d) you must not seek improperly to influence a decision about that business.

**15. Effect of Disclosable Pecuniary Interests on Participation**

- (1) If present at a meeting and you are aware that you have a **disclosable pecuniary interest** under paragraph 9 in any matter to be considered, or being considered at the meeting, you must not, unless you have obtained dispensation from the monitoring officer-

- (a) participate, or participate further, in any discussion of the matter at the meeting, or

- (b) participate in any vote, or further vote, taken on the matter at the meeting,

and, unless the meeting is a Council meeting, you must move to the public seating area until that business has been concluded,

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

- (d) you must not seek improperly to influence a decision about that business

- (2) If a function of the authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself)

## Part 3

### Registration of Members' Interests

#### 16. Registration of members' interests

(1) Subject to paragraph 17, you must, within 28 days of -

- (a) this Code being adopted by the authority; or
- (b) your election or appointment to office (where that is later),

register in the authority's Register of Members' Interests (maintained by the monitoring officer under Section 29(1)) of the Act details of any-

- (i) **disclosable pecuniary interests** as referred to in paragraph 9 that you may have, or your spouse, civil partner or person with whom you live as if they were your spouse or civil partner may have in so far as you are aware of their interests at that time
- (ii) other **personal interests** that you may have where they fall within a category mentioned in paragraph 10(1)(a)

by providing written notification to the authority's monitoring officer.

(2) Subject to paragraph 17, you must, within 28 days of becoming aware of any new disclosable pecuniary interest or other personal interest or change to any existing disclosable pecuniary interest or other personal interest registered under paragraph (1), register details of that new interest or change by providing written notification to the authority's monitoring officer.

#### 17. Sensitive information

(1) Where you and the authority's monitoring officer both consider that the information relating to any of your interests (whether or not a disclosable pecuniary interest) is sensitive information then copies of the register that are made available for inspection, and any published version should not include details of the interest but may state that you have an interest details of which are withheld under Section 32(2) of the Act and/or this paragraph.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that details excluded under paragraph (1) are no longer sensitive information, notify the authority's monitoring officer asking that the details be included in the authority's Register of Members' Interests.

(3) In this Code, "sensitive information" means information which if disclosed or made available for inspection by the public could lead you, or a person connected with you, to being subject to violence or intimidation.

## **CODE OF CONDUCT**

### **APPENDIX 1**

#### **THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011**

##### **SELFLESSNESS**

Members should only serve the public interest and should never improperly confer an advantage or disadvantage on any person

##### **INTEGRITY**

Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

##### **OBJECTIVITY**

Members should make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.

##### **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.

##### **OPENNESS**

Members should be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

##### **HONESTY**

Members should not place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

##### **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.

## Appendix 2

### Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share



capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

**“the Act”** means the Localism Act 2011;

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

**“director”** includes a member of the committee of management of an industrial and provident society;

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

**“M”** means a member of a relevant authority;

**“member”** includes a co-opted member;

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

**“relevant period”** means the period of 12 months ending with the day on which M gives a notification to the monitoring officer of their disclosable pecuniary interests, either–

following their election or co-option for the purposes of section 30(1) of the Act, or

following a disclosure of a disclosable pecuniary interest which has not already been registered, or is not in the process of being registered, for the purposes of section 31(7) of the Act;

**“relevant person”** means M, or

M’s spouse or civil partner, or  
a person with whom M is living as husband and wife, or as if they were civil partners;

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

## **APPENDIX 2**

### **ARTICLE 9 – MEASURES FOR STANDARDS OF CONDUCT**

#### **9.1 Standards Committee**

In order to ensure that Members of the Council (including co-opted Members) observe the Council's Code of Conduct for Members, the Council will establish a Standards Committee.

9.2 The appointment and composition of the Standards Committee will be in compliance with the provisions of sections 101 and 102 of the Local Government Act 1972 and Regulations made thereunder. The Council by resolution made on 16<sup>th</sup> May 2012 resolved that the rules of political proportionality in Section 15 of the Local Government and Housing Act 1989 should not apply in respect of the Standards Committee.

9.3 The Standards Committee shall comprise of 9 members who shall consist of:

- (a) five elected Members of the Borough Council;
- (b) two co-opted Town or Parish Councillors with no voting rights;
- (c) two co-opted Independent Members with no voting rights;
- (d) the Chairman of the Standards Committee shall be appointed by the Committee at its first meeting in each municipal year;
- (e) the two co-opted Town or Parish Councillors cannot be Members of the Borough Council;
- (f) the Independent Person appointed in accordance with section 28 of the Localism Act 2011 shall be invited to attend meetings of the Standards Committee.

#### **9.4 The Terms of Reference of the Standards Committee will be to:**

- (a) promote and maintain high standards of conduct by the Members and co-opted Members of the Council;
- (b) advise and assist Parish and Town Council(s) and Councillors to maintain high standards of conduct and to make recommendations to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish or Town Councillor to comply with the Code of Conduct;
- (c) advise the Council on the adoption or revision of the Members' Code of Conduct;
- (d) receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the Council's assessment criteria;
- (e) receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct;

- (f) advise, train or arrange to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct;
- (g) assist Councillors and co-opted Members to observe the Members' Code of Conduct;
- (h) conduct hearings and determine complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- (i) advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council;
- (j) maintain oversight of the Council's arrangements for dealing with complaints;
- (k) inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- (l) report, with recommendations, to the Council and/or to the Cabinet at such times and in such manner as the Committee thinks fit.

#### **9.5.1 Appointment of Sub-Committee**

- (a) The Standards Committee has appointed a Sub-Committee consisting of 5 Members appointed from Members of the Standards Committee. The rules of political proportionality do not apply to the Sub-Committee.
- (b) When the Sub-Committee is meeting to deal with a complaint against a Town or Parish Councillor at least one of the 5 members of the Sub-Committee shall be a co-opted Town or Parish Councillor or substitute co-opted Town or Parish Councillor.
- (c) The Independent Person will attend meetings of the Sub-Committee when dealing with hearings into allegations of misconduct.

#### **9.5.2 The Terms of Reference of the Sub-Committee will be:**

- (a) To conduct a hearing into an allegation that a Member or Co-opted Member has breached their Council's Code of Conduct.
- (b) Following a hearing the Sub-Committee may make one of the following findings:
  - (1) That the member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the complaint, or
  - (2) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the complaint, or
  - (3) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.

## 9.6 Sanctions

The Council has delegated to the Standards Committee (or a Hearings Sub-Committee) such of its powers as can be delegated to take action in respect of a Member who is found following a hearing to have failed to comply with the Code of Conduct, such actions to include –

- (a) Publishing its findings in respect of the Member's conduct;
- (b) Reporting its findings to Council *[or to the Parish/Town Council]* for information;
- (c) Recommending to Council *[or to the Parish/Town Council]* that the Member be issued with a formal censure or be reprimanded;
- (d) Recommending to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Recommending to Council *[or to the Parish/Town Council]* that the Monitoring Officer be instructed to arrange training for the Member;
- (g) Recommending to Council *[or recommend to the Parish/Town Council]* that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council *[or by the Parish/Town Council]*;
- (h) Recommending to Council *[or recommend to the Parish/Town Council]* that it withdraws facilities provided to the Member by the Council, such as a computer, website and/or email and internet access; or
- (i) Recommending to Council *[or recommend to the Parish/Town Council]* that the Member be excluded from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- (j) The Sub-Committee may recommend any action or combination of actions available as above, or impose any informal resolution or combination of informal resolutions as are available to it.

## 9.7 Dispensations

- (a) To grant dispensations to a Member or Co-opted Member after consultation with the Independent Person pursuant to section 33(2)(b) and (c) of the Localism Act 2011.
- (b) To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to section 33(2)(a), (d) and (e) of the Localism Act 2011.

[note: any dispensation granted shall cease to have effect four years after the date on which it is granted]

## **9.8 Register of Members' Interests**

- (a) The Monitoring Officer shall establish and maintain a register of interests of the Members and Co-Opted Members of the Borough Council and the Parish and Town Councils pursuant to section 29 of the Localism Act 2011 and ensure that the register is available for public inspection and published on the Borough Council's website.
- (b) The Monitoring Officer shall provide to each Member and Co-Opted Member a registration of interests form which shall be completed by the Member or Co-Opted Member and returned to the Monitoring Officer who shall then ensure that it is placed on the register. At the end of each municipal year the Monitoring Officer shall send to each Member and Co-Opted Member a copy of their completed registration of interests form with a request that the Member and the Co-Opted Member notifies the Monitoring Officer of any changes to their interests.
- (c) The Monitoring Officer shall provide to each Member and Co-Opted Member a form to be used for the purposes of giving notification of any change to their interests.
- (d) The Monitoring Officer shall provide to each Member and Co-Opted Member a form to be used for the purposes of giving notification of the receipt of any gifts of hospitality over the value of £25.00.

## **APPENDIX 3**

### **DACORUM BOROUGH COUNCIL**

#### **CODE OF CONDUCT FOR MEMBERS- COMPLAINTS PROCEDURE**

##### **1. Introduction**

- 1.1 This Complaints Procedure sets out how you can make a complaint that a Member or Co-opted Member of Dacorum Borough Council has failed to comply with the Borough Council's Code of Conduct For Members, and explains how the complaint will be dealt with. It also sets out how you can make a complaint that a Member or Co-opted Member of a Town or Parish Council within the Borough has failed to comply with their own Council's Code of Conduct For Members.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Borough Council must have in place "arrangements" under which allegations that a member or co-opted member of the Borough Council, or of a Parish or Town Council within the Council's area, has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the Borough Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by the member or co-opted member against whom an allegation has been made.

##### **2. The Members' Code of Conduct**

- 2.1 The Borough Council has adopted a Code of Conduct for Members, which is available for inspection on the Council's website and on request from the Council's Monitoring Officer (see below).
- 2.2 Each Parish and Town Council has also adopted their own Code of Conduct. If you wish to inspect a Parish or Town Council's Code of Conduct, you should inspect any website operated by the Parish or Town Council or request the Parish or Town Clerk to allow you to inspect their Code of Conduct.

##### **3. Making a Complaint**

- 3.1 If you wish to make a complaint, please write or email to:

Steven Baker  
Monitoring Officer  
Dacorum Borough Council  
Civic Centre, Marlowes  
Hemel Hempstead, HP1 IHH

[steve.baker@dacorum.gov.uk](mailto:steve.baker@dacorum.gov.uk)

Tel: 01442 228229

- 3.2 The Monitoring Officer is a senior officer of the Borough Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the system in respect of complaints of member misconduct.
- 3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the relevant complaint form, which can be downloaded from the Council's website, next to the Code of Conduct, or is available on request from the Monitoring Officer. Please note that there are two separate complaint forms depending on whether the complaint is about a member of the Borough Council or a member of a Town or Parish Council.
- 3.4 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request and if granted, we will not disclose your name and address to the member against whom you make the complaint, without your prior consent.
- 3.5 The Council will not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint.
- 3.6 The Complaints Procedure Flowchart is annexed at Appendix 1 for your assistance.

#### **4. Will your Complaint be Investigated?**

- 4.1 The Monitoring Officer will review every complaint received and, will consult with the Independent Person before taking a decision as to whether it:

- 4.1.1 Merits no further investigation

- 4.1.2 Merits further investigation

- 4.1.3 Should be referred to the Standards Committee

The decision will normally be taken within 20 working days of receipt of your complaint. Your complaint will be considered in accordance with the Assessment Criteria at Appendix 2. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

- 4.2 Where the Monitoring Officer requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your

complaint is directed. Where your complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of the Parish or Town Council of your complaint.

- 4.3 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the member or the Council make a reasonable offer of informal resolution, but you are not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits further investigation.
- 4.4 If your complaint identifies potential criminal conduct or breach of other regulations by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

## **5. How is the Investigation Conducted?**

- 5.1 If the Monitoring Officer decides that a complaint merits further investigation, he/she may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator. The Investigating Officer or Monitoring Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen and who needs to be interviewed.
- 5.2 The Investigating Officer or Monitoring Officer will normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events and to identify what documents he/she needs to see and who he/she needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might harm the investigation, the Monitoring Officer can delete your name and address from the papers given to the member or delay notifying the member until the investigation has progressed sufficiently.
- 5.3 At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a Draft Investigation Report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.
- 5.4 Having received and taken account of any comments which you may make on the draft report, where an Investigating Officer has been appointed, the Investigating Officer will send his/her Final Investigation Report to the Monitoring Officer.



**6. What happens if the investigating officer or monitoring officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

- 6.1 If an Investigating Officer has been appointed, the Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned (and to the Parish or Town Council where your complaint relates to a Parish or Town Councillor), notifying you that he/she is satisfied that no further action is required, and give you both a copy of the Final Investigation Report.
- 6.2 If an Investigation Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

**7. What happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

- 7.1 If an Investigating Officer has been appointed, the Monitoring Officer will review the Investigating Officer's Final Investigation Report and will then either send the matter for a hearing before the Standards Sub-Committee or, in consultation with the Independent Person, seek an informal resolution.

**7.1.1 Informal Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee (and the Parish or Town Council where appropriate) for information, but will take no further action.

**7.1.2 Hearing**

If the Monitoring Officer considers that informal resolution is not appropriate, or the councillor concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will refer the Final Investigation Report to the Standards Sub-Committee which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for hearing complaints, which is attached as Appendix 3 to this Complaints Procedure.

At the hearing, the Investigating Officer or the Monitoring Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of any representations from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct and dismiss the complaint. If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

**8. What action can the Standards Sub-Committee take where a member has failed to comply with the Code of Conduct?**

- 8.1 The Council has delegated to the Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Sub-Committee may:-
  - 8.1.1 Publish its findings in respect of the member's conduct;
  - 8.1.2 Report its findings to Council (or to the Parish/Town Council) for information;
  - 8.1.3 Recommend to Council (or to the Parish/Town Council) that he/she be issued with a formal censure or be reprimanded;
  - 8.1.4 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - 8.1.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
  - 8.1.6 Instruct the Monitoring Officer to (or recommend that the Parish/Town Council) arrange training for the member;
  - 8.1.7 Recommend to Council (or recommend to the Parish/Town Council) that the member be removed from all outside

appointments to which he/she has been appointed or nominated by the Council (or by the Parish/Town Council)

8.1.8 Recommend to Council (or recommend to the Parish/Town Council) that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or

8.1.9 Recommend to Council (or recommend that the Parish/Town Council) that it excludes the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.2 The Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

## **9. What happens at the end of the hearing?**

9.1 At the end of the hearing, the Chair will state the decision of the Standards Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to take.

9.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Sub-Committee, and send a copy to you, to the member (to the Clerk of the Parish/Town Council if applicable), make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

## **10. Who are the Standards Sub-Committee?**

10.1 It is a Sub-Committee comprising of Members sitting on the Council's Standards Committee.

10.2 The Standards Committee has decided that it will comprise of five Members of the Standards Committee. If the Councillor complained about is a member of a Parish or Town Council, one of the five members of the Sub-Committee will be a Parish or Town Councillor member of the Standards Committee.

10.3 The Independent Person will attend all meetings of the Sub-Committee and their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **11. Who is the Independent Person?**

11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of the Council.

11.2 A person cannot be “independent” if he/she:

11.2.1 is, or has been within the past 5 years, a member, co-opted member or officer of the Council;

11.2.2 is or has been within the past 5 years, a member, co-opted member or officer of a Parish or Town Council within the Borough), or

11.2.3 Is a relative or close friend of a person within paragraph 11.2.1 or 11.2.2 above. For this purpose a “relative” means:

11.2.3.1 Spouse or civil partner;

11.2.3.2 Living with the other person as husband and wife or as if they were civil partners;

11.2.3.3 Grandparent of the other person;

11.2.3.4 A lineal descendent of a grandparent of the other person;

11.2.3.5 A parent, sibling or child of a person within paragraphs 11.2.3.1 or 11.2.3.2; or

11.2.3.6 A spouse or civil partner of a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5; or

11.2.3.7 Living with a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5 as husband and wife or as if they were civil partners.

## **12. Revision of this Complaints Procedure**

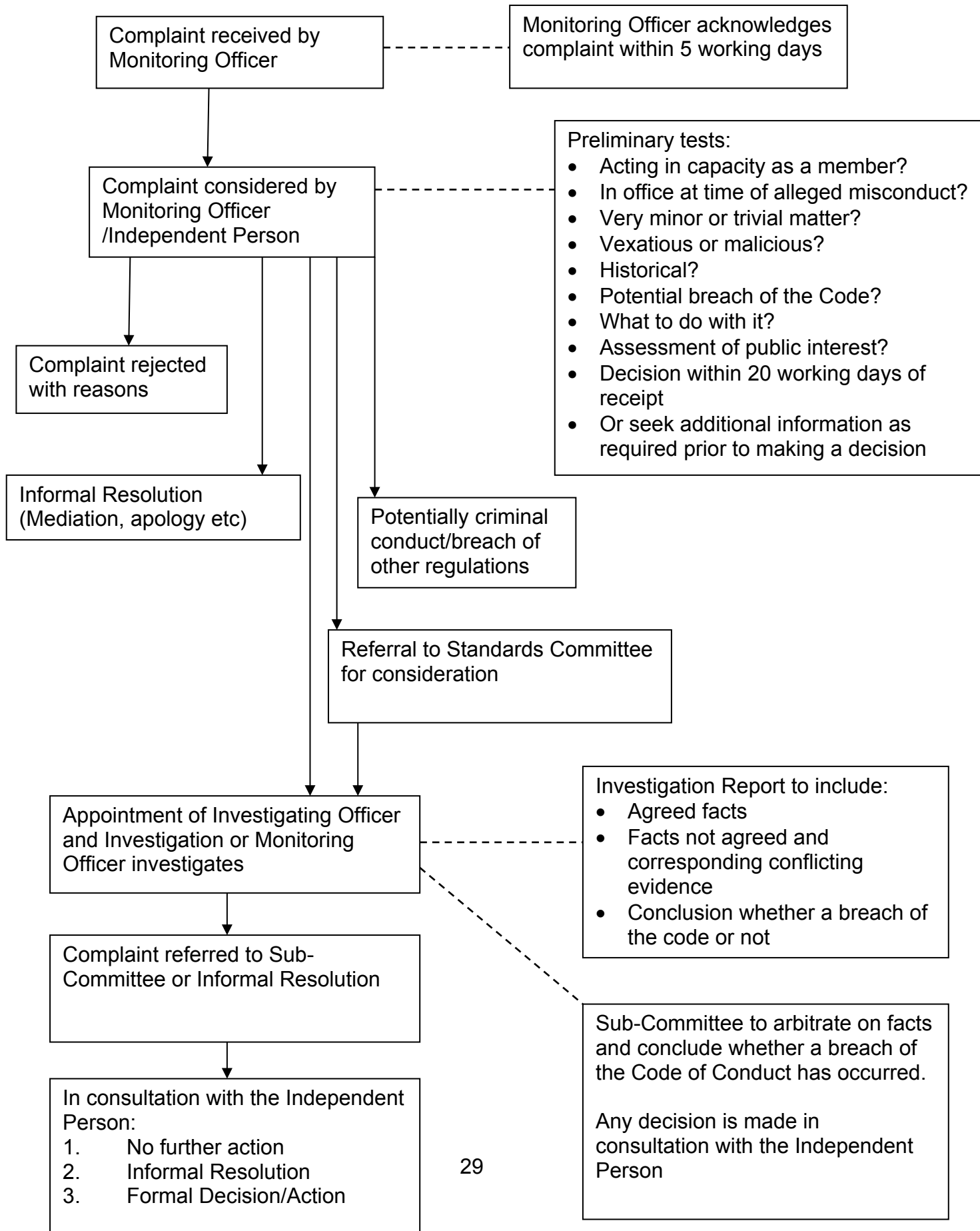
The Standards Committee may agree to amend this Complaints Procedure and has delegated to the Chair of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **13. Appeals**

13.1 There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Sub-Committee.

13.2 If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

## Appendix 1 Complaints Procedure Flowchart



## **APPENDIX 2**

### **STANDARDS COMPLAINTS ASSESSMENT CRITERIA**

#### **Complaints which would not normally be referred for investigation**

1. The complaint is not considered sufficiently serious to warrant investigation or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat” or,
3. The complaint appears to be politically motivated, or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for a referral for investigation; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances eg, allegation of bullying, harassment etc
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Standards Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct
11. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

#### **Complaints which may be referred for investigation**

1. It is serious enough, if proven, to justify the range of actions available to the Standards Committee; or
2. There are individual acts of minor misconduct which appear to be part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation

**Complaints which may be referred to the Standards Committee for a decision on whether it should be investigated**

1. The complaint is about a high profile Member, such as the Leader of the Council, and it would be difficult for the Monitoring Officer to make a decision as to whether or not it should be investigated.
2. Such other complaints as the Monitoring Officer considers it would not be appropriate for him/her to make a decision as to whether or not it should be investigated.

Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor. The complaint must be serious enough to justify the public expense and Council resources in investigating it.

## APPENDIX 3

### STANDARDS SUB COMMITTEE HEARING PROCEDURE

Item No	Procedure
<b>1.</b>	<b>Quorum</b>  1.1 Three Members must be present throughout the hearing to form a quorum.  1.2 Where the complaint refers to a Parish/Town Councillor, a non-voting Parish/Town member of the Standards Committee must be present  1.3 The Sub-Committee shall nominate a Chairman for the meeting
<b>2.</b>	<b>Opening</b>  2.1 The Chairman explains the procedure for the hearing and reminds all parties to turn off mobile phones, audible alarms and pagers etc  2.2 The Chairman asks all present to introduce themselves  2.3 The Councillor will be asked whether they wish to briefly outline their position
<b>3.</b>	<b>The Complaint</b>  3.1 The Investigating Officer shall be invited to present their report including any documentary evidence or other material (and to call witnesses as required by the Investigating Officer). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed.  3.2 The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer. (This is the Councillor's opportunity to ask questions rising from the Investigator's report and not to make a statement)  3.3 Members of the Sub-Committee may question the Investigating Officer upon the content of their report and/or any witnesses called by the Investigating Officer.



Item No	Procedure
<b>4.</b>	<p data-bbox="411 293 724 327"><b>The Councillor's Case</b></p> <p data-bbox="411 360 1388 461">4.1 The Councillor against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Councillor or their representative)</p> <p data-bbox="411 495 1388 562">4.2 The Investigating Officer may question the Councillor and/or any witnesses</p> <p data-bbox="411 595 1388 663">4.3 Members of the Sub-Committee may question the Member and/or any witnesses</p>
<b>5.</b>	<p data-bbox="411 696 596 730"><b>Summing Up</b></p> <p data-bbox="411 763 1190 797">5.1 The Investigating Officer may sum up the Complaint</p> <p data-bbox="411 831 1305 864">5.2 The Member (or their representative) may sum up their case.</p>
<b>6.</b>	<p data-bbox="411 887 539 920"><b>Decision</b></p> <p data-bbox="411 965 1388 1066">6.1 Members of the Sub-Committee will deliberate in private to consider the complaint in consultation with the Independent Person prior to reaching a decision</p> <p data-bbox="411 1099 1388 1167">6.2 Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:-</p> <p data-bbox="480 1200 1388 1267">6.2.1 The Sub-Committee decides that the Member has not failed to follow the Code of Conduct or</p> <p data-bbox="480 1301 1388 1368">6.2.2 The Sub-Committee decides that the Member has failed to follow the Code of Conduct</p> <p data-bbox="480 1402 1294 1435">6.2.3 The Sub-Committee will give reasons for their decision</p> <p data-bbox="411 1469 1388 1570">6.3 If the Sub-Committee decides that the Member has failed to follow the Code of Conduct it will consider any representations from the Investigator and/or the Member as to:</p> <p data-bbox="480 1603 1118 1637">6.3.1 Whether any action should be taken, and</p> <p data-bbox="480 1637 1018 1671">6.3.2 What form any action should take</p> <p data-bbox="411 1704 1388 1805">6.4 The Sub-Committee will then deliberate in private to consider what action if any should be taken in consultation with the Independent Person</p> <p data-bbox="411 1839 1388 1942">6.5 On the Sub-Committee's return the Chairman will announce the Sub-Committee's decision (in relation to a Parish/Town Councillor a recommendation to the Parish/Town Council)</p>

Item No	Procedure
	<p data-bbox="411 331 1386 465">6.6 The Sub-Committee will consider whether it should make any recommendations to the Council or in relation to a Parish/Town Councillor to the Parish/Town Council with a view to promoting high standards of conduct among Members</p> <p data-bbox="411 499 1386 598">6.7 The Chairman will confirm that a full written decision shall be issued within 7 working days following the hearing and that the Sub-Committee's findings to be published.</p>



## APPENDIX 4a

### COMPLAINT ABOUT A MEMBER OR CO-OPTED MEMBER OF DACORUM BOROUGH COUNCIL

#### Important Note

This complaint form should only be used if you wish to make a complaint that a Member or Co-opted Member of Dacorum Borough Council has breached the Council's Code of Conduct for Members. If you wish to make a complaint that a Member or Co-opted Member of a Parish or Town Council has breached their Council's Code of Conduct for Members there is a separate form for that purpose.

#### 1. Your Details

Please provide us with your name and contact details:

Title:	
First Name:	
Surname:	
Address:	
Daytime telephone	
Evening telephone	
Mobile telephone	
Email address	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the Member(s) you are complaining about. We will tell them your name and give them a summary of your complaint. We will give

them full details of your complaint where necessary or appropriate to be able to deal with it, particularly if the complaint proceeds to an investigation. If you have serious concerns about your name and a summary or details of your complaint being released to the Member you are complaining about, please complete section 4 of this form.

Please tell us which complainant type best describes you:

- ☐ Member of the public
- ☐ An elected or co-opted member of an authority
- ☐ Member of Parliament
- ☐ Local authority monitoring officer
- ☐ Other Council officer or authority employee
- ☐ Other (*please state*)

## 2. Equalities Monitoring

<b>Gender</b>	Male	<input type="checkbox"/>	Female	<input type="checkbox"/>	
<b>Ethnicity</b>	White British	<input type="checkbox"/>	White Irish	<input type="checkbox"/>	White Other ( <i>please state</i> ) <input type="text"/>
Asian British/Asian:	Indian	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>	Bangladeshi <input type="checkbox"/>
Black British/Black:	Caribbean	<input type="checkbox"/>	African	<input type="checkbox"/>	
Mixed Race:	White/Asian	<input type="checkbox"/>	White/Black African	<input type="checkbox"/>	White/Black Caribbean <input type="checkbox"/>
	Other ( <i>please state</i> )	<input type="text"/>			
	Chinese	<input type="checkbox"/>			
	Other Ethnic Group: ( <i>please state</i> )	<input type="text"/>			

### 3. Making your complaint

Please provide us with the name of the Member(s) you believe have breached Dacorum Borough Council's Code of Conduct:

Title	First Name	Surname

Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

A copy of the Council's Code of Conduct can be downloaded from the Council's website or you can request the Council's Monitoring Officer to send you a copy. The Monitoring Officer's contact details can be found at the end of this form.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or the Standards Committee when they decide whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant evidence or background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

## 4. Confidentiality

**ONLY COMPLETE SECTION 4 IF YOU ARE REQUESTING THAT YOUR IDENTITY IS KEPT CONFIDENTIAL**

In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that disclosure at this stage would harm the prospects of your complaint being investigated properly.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances, where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

If your complaint is dealt with by the Standards Committee at a hearing after an investigation, you may be asked to attend as a witness.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

## 5. Additional Help

You must submit your complaint in writing using this form and sign the declaration at section 6. This includes fax and electronic submissions. However, in line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

## 6. Declaration

Please consider the complaint I have described above and the evidence or background information attached.

\*I understand and accept that my name and a summary of my complaint will be disclosed to the Member(s) I am complaining about.

Signature:

Date:

\*If you have serious concerns about your name being disclosed to the Member(s) you are complaining about please complete section 4 of this form.

## **7. Who to send this form to**

When completed this form must be returned to:

Steven Baker  
Monitoring Officer  
Dacorum Borough Council  
Civic Centre  
Hemel Hempstead, Herts  
HP1 1HH

or emailed to:

[steve.baker@dacorum.gov.uk](mailto:steve.baker@dacorum.gov.uk)

or faxed to:

01442 228746

If you require any further assistance in completing this form you can contact the above named by letter or email or by telephoning 01442 228229.





## APPENDIX 4b

### COMPLAINT ABOUT A MEMBER OR CO-OPTED MEMBER OF A PARISH OR TOWN COUNCIL

#### Important Note

This complaint form should only be used if you wish to make a complaint that a Member or Co-opted Member of a Parish or Town Council within the Borough of Dacorum has breached their Council's Code of Conduct for Members. If you wish to make a complaint that a Member or Co-opted Member of Dacorum Borough Council has breached the Borough Council's Code of Conduct for Members there is a separate form for that purpose.

#### 1. Your Details

Please provide us with your name and contact details:

Title:	
First Name:	
Surname:	
Address:	
Daytime telephone	
Evening telephone	
Mobile telephone	
Email address	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the Member(s) you are complaining about. We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it, particularly if the complaint proceeds to an investigation. If you have serious concerns about your name and a summary or details of your

complaint being released to the Member you are complaining about, please complete section 4 of this form.

Please tell us which complainant type best describes you:

- ☐ Member of the public
- ☐ An elected or co-opted member of an authority
- ☐ Member of Parliament
- ☐ Local authority monitoring officer
- ☐ Other Council officer or authority employee
- ☐ Other (*please state*)

## 2. Equalities Monitoring

<b>Gender</b>	Male	<input type="checkbox"/>	Female	<input type="checkbox"/>	
<b>Ethnicity</b>	White British	<input type="checkbox"/>	White Irish	<input type="checkbox"/>	White Other ( <i>please state</i> ) <input type="text"/>
Asian British/Asian:	Indian	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>	Bangladeshi <input type="checkbox"/>
Black British/Black:	Caribbean	<input type="checkbox"/>	African	<input type="checkbox"/>	
Mixed Race:	White/Asian	<input type="checkbox"/>	White/Black African	<input type="checkbox"/>	White/Black Caribbean <input type="checkbox"/>
	Other ( <i>please state</i> )	<input type="text"/>			
	Chinese	<input type="checkbox"/>			
	Other Ethnic Group: ( <i>please state</i> )	<input type="text"/>			

### 3. Making your complaint

Please provide us with the name of the Member(s) you believe has/have breached the Code of Conduct for their Parish or Town Council.

Title	First Name	Surname

Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual Member has done that you believe breaches the Code of Conduct for their Parish or Town Council.

A copy of the Parish or Town Council's Code of Conduct can be obtained from the Parish or Town Clerk if it is not available from their Council's website. Contact details for the Parish and Town Clerks can be obtained from the Borough Council's Monitoring Officer whose contact details can be found at the end of this form.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or the Standards Committee when they decide whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant evidence or background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

## 4. Confidentiality

**ONLY COMPLETE SECTION 4 IF YOU ARE REQUESTING THAT YOUR IDENTITY IS KEPT CONFIDENTIAL**

In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that disclosure at this stage would harm the prospects of your complaint being investigated properly.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances, where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

If your complaint is dealt with by the Standards Committee at a hearing after an investigation, you may be asked to attend as a witness.

<p>Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:</p>

## 5. Additional Help

You must submit your complaint in writing using this form and sign the declaration at section 6. This includes fax and electronic submissions. However, in line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

## **6. Declaration**

Please consider the complaint I have described above and the evidence or background information attached.

\*I understand and accept that my name and a summary of my complaint will be disclosed to the Member(s) I am complaining about.

Signature:

Date:

\*If you have serious concerns about your name being disclosed to the Member(s) you are complaining about please complete section 4 of this form.

## **7. Who to send this form to**

When completed this form must be returned to:

Steven Baker  
Monitoring Officer  
Dacorum Borough Council  
Civic Centre  
Hemel Hempstead, Herts  
HP1 1HH

or emailed to:

[steve.baker@dacorum.gov.uk](mailto:steve.baker@dacorum.gov.uk)

or faxed to:

01442 228746

If you require any further assistance in completing this form you can contact the above named by letter or email or by telephoning 01442 228229.

## APPENDIX 5a

### DACORUM BOROUGH COUNCIL

### REGISTER OF MEMBERS' INTERESTS

### NOTICE OF INTERESTS

---

I, *(full name)*

a Member of Dacorum Borough Council

GIVE NOTICE that I have the following interests under the headings set out below which I am required to register under the Localism Act 2011 and under the Council's Code of Conduct

*(please put "None" where you do not have an interest under a particular heading):*

#### **Disclosable Pecuniary Interests**

#### **Important note:**

**Under the Localism Act 2011 you must register not only your own interests under this heading, but also those of your husband or wife, civil partner, or of any person with whom you are living as husband and wife or as civil partners, if you are aware that they have such interests**

1. Your employment, office, trade, profession or vocation carried on by you or a person referred to above for profit or gain.
  
2. Any payment or provision of any other financial benefit (other than from Dacorum Borough Council) made or provided within the last 12 months in respect of expenses you have incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
  
3. Any contract for goods, services or works which is made between you, or a person referred to above (or a body in which you or they have a beneficial interest) and Dacorum Borough Council which has not been fully discharged.  
*(please give sufficient details to identify the contract)*

4. Any land in the Borough of Dacorum in which you or a person referred to above has a beneficial interest including your residential address.  
*(please provide a description sufficient to identify the location)*
  
5. Any land in the Borough of Dacorum for which you or a person referred to above has a licence (alone or jointly with others) to occupy for a month or longer.  
*(please provide a description sufficient to identify the location)*
  
6. Any tenancy where to your knowledge the landlord is Dacorum Borough Council and the tenant is a body in which you or a person referred to above has a beneficial interest.
  
7. The name of any body in which you or a person referred to above has a beneficial interest in securities and you are aware has a place of business or land in the Borough of Dacorum; and either-
  - (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (b) if the share capital of that body is of more than one class, the total nominal value of the shares of any class in which you or a person referred to above has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



### **Other Personal Interests**

**You only have to register your own interests under this heading and do not need to include the interests of your husband or wife, or civil partner, or of any person with whom you are living as if husband or wife, or as civil partners.**

1. The name of the person who employs or has appointed you, the name of any firm in which you are a partner, and the name of any company for which you are a remunerated director.
  
2. Your membership of or the fact that you are in a position of general control or management of any body :-
  - (a) to which you have been appointed or nominated by Dacorum Borough Council;
  
  - (b) exercising functions of a public nature;
  
  - (c) directed to charitable purposes
  
  - (d) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
  
3. The name of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

Signed \_\_\_\_\_  
Member

Date \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_  
Steven Baker, Assistant Director (Legal, Democratic & Regulatory)

You must return this form to Dacorum Borough Council's Assistant Director (Legal, Democratic & Regulatory). If you need any assistance in completing the form you can contact Steven Baker, tel: 01442 228229 email: [steve.baker@dacorum.gov.uk](mailto:steve.baker@dacorum.gov.uk)

You must, within 28 days of becoming aware of any change to the disclosable pecuniary interests or other personal interests specified above, provide written notification to the Assistant Director (Legal, Democratic & Regulatory) by using the prescribed form 'Notice of Change of Interests'.

**WARNING: It may be a criminal offence under section 34 of the Localism Act 2011 if, in relation to disclosable pecuniary interests, you -**

- (a) omit information that ought to be given in this notice;**
- (b) provide information that is materially false or misleading;**
- (c) fail to notify the monitoring officer of changes to your registered disclosable interests after your re-election or reappointment, or when otherwise required under the Act; or**
- (d) fail to declare at a meeting a disclosable pecuniary interest that has arisen after the date of this notice and which has not been registered or is not in the process of being registered.**

## APPENDIX 5b

### *Name of Parish/Town Council*

## REGISTER OF MEMBERS' INTERESTS

### NOTICE OF INTERESTS

---

I, *(full name)*

a Member of *[insert name of Parish/Town Council]*

GIVE NOTICE that I have the following interests under the headings set out below which I am required to register under the Localism Act 2011 and under the Council's Code of Conduct

*(please put "None" where you do not have an interest under a particular heading):*

#### **Disclosable Pecuniary Interests**

##### **Important note:**

**Under the Localism Act 2011 you must register not only your own interests under this heading, but also those of your husband or wife, civil partner, or of any person with whom you are living as husband and wife or as civil partners, if you are aware that they have such interests**

1. Your employment, office, trade, profession or vocation carried on by you or a person referred to above for profit or gain.
  
2. Any payment or provision of any other financial benefit (other than from your Council) made or provided within the last 12 months in respect of expenses you have incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
  
3. Any contract for goods, services or works which is made between you, or a person referred to above (or a body in which you or they have a beneficial interest) and your Council and which has not been fully discharged.  
*(please give sufficient details to identify the contract)*

4. Any land in the area of your Council in which you or a person referred to above has a beneficial interest including your residential address.  
*(please provide a description sufficient to identify the location)*
  
5. Any land in the area of your Council for which you or a person referred to above has a licence (alone or jointly with others) to occupy for a month or longer.  
*(please provide a description sufficient to identify the location)*
  
6. Any tenancy where to your knowledge the landlord is your Council and the tenant is a body in which you or a person referred to above has a beneficial interest.
  
7. The name of any body in which you or a person referred to above has a beneficial interest in securities and you are aware has a place of business or land in the area of your Council; and either-
  - (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (b) if the share capital of that body is of more than one class, the total nominal value of the shares of any class in which you or a person referred to above has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### **Other Personal Interests**

**You only have to register your own interests under this heading and do not need to include the interests of your husband or wife, or civil partner, or of any person with whom you are living as if husband or wife, or as civil partners.**

1. The name of the person who employs or has appointed you, the name of any firm in which you are a partner, and the name of any company for which you are a remunerated director.
  
2. Your membership of or the fact that you are in a position of general control or management of any body :-
  - (e) to which you have been appointed or nominated by your Council;
  
  - (f) exercising functions of a public nature;
  
  - (g) directed to charitable purposes
  
  - (h) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
  
3. The name of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

Signed \_\_\_\_\_  
Member

Date \_\_\_\_\_

Signed \_\_\_\_\_  
Steven Baker, Monitoring Officer

Date \_\_\_\_\_

You must return this form to your Clerk who will send it to Dacorum Borough Council's Monitoring Officer. If you need any assistance in completing the form you can contact Steven Baker, tel: 01442 228229 email: [steve.baker@dacorum.gov.uk](mailto:steve.baker@dacorum.gov.uk)

You must, within 28 days of becoming aware of any change to the disclosable pecuniary interests or other personal interests specified above, provide written notification to your Clerk by using the prescribed form 'Notice of Change of Interests'.

**WARNING: It may be a criminal offence under section 34 of the Localism Act 2011 if, in relation to disclosable pecuniary interests, you -**

- (e) omit information that ought to be given in this notice;**
- (f) provide information that is materially false or misleading;**
- (g) fail to notify the monitoring officer of changes to your registered disclosable interests after your re-election or reappointment, or when otherwise required under the Act; or**
- (h) fail to declare at a meeting a disclosable pecuniary interest that has arisen after the date of this notice and which has not been registered or is not in the process of being registered.**

## **AGENDA ITEM: 5**

### **SUMMARY**



<b>Report for:</b>	<b>Standards Committee</b>
<b>Date of meeting:</b>	<b>19<sup>th</sup> December 2012</b>
<b>PART:</b>	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	<b>GENERAL DISPENSATIONS</b>
Contact:	Steven Baker, Assistant Director (Legal, Democratic & Regulatory) Directline: 01442 228229, internal extension: 2229 steve.baker@dacorum.gov.uk
Purpose of report:	To advise Members of the need to grant a general dispensation under the Localism Act 2011.
Recommendation	<ol style="list-style-type: none"><li>1. That a general dispensation is granted to allow Members to participate in a debate on a matter and vote notwithstanding that they may have a Disclosable Pecuniary Interest where that matter relates to the functions of the Council as are specified in paragraph 4 of this report.</li><li>2. That the general dispensation referred to above shall apply until the next election of the Council.</li><li>3. That the Monitoring Officer circulate the request as set out in the annex to the report to all Members of the Council for signature requesting dispensation in the circumstances set out in paragraph 4 of this report.</li><li>4. That the power to grant dispensations in response to such requests be delegated to the Monitoring Officer.</li></ol>
Corporate objectives:	The promotion and maintenance of high standards of conduct by Members of the Council will assist the Council in achieving its priorities of performance excellence and reputation and

	profile delivery.
Implications: 'Value For Money Implications'	There are financial and efficiency costs to the Council in having to deal with complaints made under the Code of Conduct. There are, therefore, value for money benefits to the Council in striving to ensure that complaints against Members are minimised as far as possible and any complaints that are received are dealt with as cost effectively as possible.
Risk Implications	The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council as a whole.
Monitoring Officer	This is a report prepared by the Assistant Director (Legal, Democratic & Regulatory) in his capacity as Monitoring Officer.
Consultees:	None
Background papers:	The relevant background papers are attached to this report.

## BACKGROUND REPORT

- 1 The Localism Act 2011 introduced a requirement for members to register and declare 'Disclosable Pecuniary Interests' (DPIs). The new DPIs, which are defined in separate Regulations, replaced the former categories of prejudicial interests. Under the Act it is a criminal offence for a member to fail to register a DPI, or to participate in a discussion or vote on a matter at a meeting in which they have a DPI. The restriction on participation, however, does not apply where the member has applied for and been granted a dispensation.
- 2 Under the previous standards regime which applied before July 2012 there was a specific provision that allowed a member who had a prejudicial interest to still participate and vote where the item of business related to:
  - 2.1 housing, where the member was a tenant of the authority provided that those functions did not relate particularly to the tenancy or lease;
  - 2.2 statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member was in receipt of, or entitled to the receipt of, such pay;
  - 2.3 an allowance, payment or indemnity given to members;
  - 2.4 any ceremonial honour given to members; and
  - 2.5 setting council tax or a precept under the Local Government Finance Act 1992.
- 3 The Council's Code of Conduct still has these exemptions written in with regards 'other personal interests' but these interests are not statutory (unlike DPIs). These exemptions were not carried forward in the statutory provisions governing DPIs. This means, for example, that a member could have a DPI in



the setting of the Council Tax if they own a property in the Borough, or in setting members' allowances, or in discussing housing matters if they also happen to be a Council tenant.

- 4 The Localism Act provides that, following a written request made to the 'proper officer', dispensations can be granted by the authority to enable members to participate in meetings where they have a DPI provided that certain grounds are satisfied. The grounds on which a dispensation may be granted are:
  - 4.1 where the authority considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great that the transaction of the business would be impeded;
  - 4.2 where the authority considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
  - 4.3 where the authority considers that granting the dispensation is in the interests of persons living in the authority's area;
  - 4.4 where the authority considers that without dispensation each member of the Cabinet would be prohibited from participating in any particular business to be transacted by the Cabinet, or
  - 4.5 where the authority considers that it is otherwise appropriate to grant a dispensation.
- 5 Dispensations can be granted for a period of up to four years. It is recommended that dispensations be granted for the period up to the next election of the Council and then renewed for all members as appropriate following the elections in 2015.

ANNEX

Dear Mr Baker

**Localism Act 2011 – General Dispensation**

I am writing to formally request a general dispensation under section 33 of the Localism Act 2011 to participate in the following matters, notwithstanding any disclosable pecuniary interest I might have:

- 1 housing, where the member was a tenant of the authority provided that those functions did not relate particularly to the tenancy or lease;
- 2 statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member was in receipt of, or entitled to the receipt of, such pay;
- 3 an allowance, payment or indemnity given to members;
- 4 any ceremonial honour given to members; and
- 5 setting council tax or a precept under the Local Government Finance Act 1992.

Granting this dispensation will allow members to participate effectively in the running of the Council.

Yours sincerely,

**6. DATE OF NEXT MEETING**

To inform Members of the date for the next Standards Committee:

Thursday 14 March 2013.

**Dates for Municipal year 2013 – 2014**

Wednesday 12 June 2013

Thursday 12 September 2013

Wednesday 11 December 2013

Wednesday 12 March 2014

**7. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to individuals whose identity is likely to be revealed if the report was to be disclosed.

**Local Government Act 1972, Schedule 12A, Part 1, paragraphs 1 and 2.:**

