

**CANNOCK CHASE COUNCIL**

**STANDARDS COMMITTEE**

**12 JUNE 2012**

**REPORT OF THE MONITORING OFFICER**

**NEW STANDARDS REGIME**

**KEY DECISION – NO**

**1. Purpose of Report**

- 1.1 To consider and make recommendations to the Council on the options for a Standards Committee and Code of Conduct for Members under the new standards regime.

**2. Recommendation**

- 2.1 That the Committee make recommendations to the Council on the operation of the new standards regime.

**3. Summary (inc. brief overview of relevant background history)**

- 3.1 The Localism Act 2011(the Act) abolished Standards for England and made significant changes to the standards provisions for Local Authorities. It is understood that it is the Government's intention to bring these changes into effect on 1 July 2012 but the necessary regulations have not yet been laid made. A consultation draft of the regulations has been seen by the Monitoring Officer and the documents annexed to this report reflect the content of the drafts. It is possible that the final regulations will differ from the drafts as they have not been officially published at the date of writing.
- 3.2 It is necessary for the Council to put in place a new code of conduct and arrangements for dealing with breaches in order to comply with the Localism Act.

**4. Key Issues and Implications**

- 4.1 At its last meeting the Committee considered various options for the form of the new code of conduct. It concluded that a code following the form of the current code would be the preferred option so that existing training and guidance remained relevant. A draft code has been draw up based on the existing code but adapted to meet the needs of the Localism Act. The draft is attached as Annex 1. Members will note that the section on diclosable pecuniary interests is not part of the code but has been included for completeness and to ensure members have a source of ready reference on the criminal regime imposed by the Act. Members are asked to consider the draft code and make recommendations to the Council accordingly. It will be open to the Council to modify the code at any time in the future as it is no longer required to follow a statutory model.
- 4.2 Attached as Annex 2 is a draft new terms of reference for the Standards Committee. The form of the Standards Committee is not prescribed by statute and the Council is free to adopt its own

form of committee. The draft terms of reference are based on the current form but modified to take into account the provisions of the Act. The draft provides for non-voting parish/town council members. As discussed at the last meeting the only way to include parish/town representatives as voting members is to set up a joint committee. It is unlikely that there will be time to achieve this for the implementation of the Act but it can be pursued for the future if the Council and the parish/town councils are all in favour of a joint committee.

- 4.3 The Council is required to have procedures in place for dealing with complaints of breach of the Code. Attached is a draft Complaints procedure is attached as Annex 3 for the Committees consideration. The procedure allows for resolution of complaints through informal procedures wherever possible, including after investigation. It will be necessary to agree procedure rules for the hearings before any matter gets to the Committee for hearing.
- 4.4 The Committee will also have the power to grant dispensations to District Councillors who have a pecuniary interest. A draft procedure for granting dispensations is attached as Annex 4. The Committee will not deal with dispensations to parish/town councillors as this power is given to the councils themselves. If a joint committee is established in future the parish/town councils could delegate the power to give dispensations to the joint committee.

**5. Conclusion(s) and Reason(s) for the Recommendation(s)**

- 5.1 The Council will be required to adopt a new code of conduct for members and new procedures to deal with complaints and dispensations to comply with the Localism Act. The form of the code and procedures is the Council's choice so long as it complies with the principles set out in the Act.

**6. Report Author Details**

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**SCHEDULE OF ADDITIONAL INFORMATION**

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**Section 1**

**Contribution to Council Priorities**

The promotion of ethical behaviour contributes to all the Council's priorities

**Section 2**

**Contribution to Promoting Community Engagement**

None

**Section 3**

**Financial Implications**

None

**Section 4**

**Legal Implications**

The legal implications are set out throughout the report.

**Section 5**

**Human Resource Implications**

There are no human resource implications arising from this report.

**Section 6**

**Section 17 (Crime Prevention) Implications**

There are no identified Section 17 (Crime Prevention) implications arising from this report.

**Section 7**

**Human Rights Act Implications**

There are no identified implications in respect of the Human Rights Act 1988 arising from this report.

**Section 8**

**Data Protection Act Implications**

There are no identified implications in respect of the Data Protection Act arising from this report.

**Section 9**

**Risk Management Implications**

There are no risk management implications arising from this report

**Section 10**

**Equality and Diversity Implications**

There are no equality and diversity implications arising from this report

**Section 11**

**List of Background Papers**

None.

**Section 12**

**Report History**

None

**Annexes**

Annex 1	Draft Code of Conduct
Annex 2	Draft Terms of Reference for Standards Committee
Annex 3	Draft Complaints Procedure
Annex 4	Draft Dispensations Procedure



## ANNEX

### DCLG Illustrative Text

#### **Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity**

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

## **Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>1</sup>

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

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<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

## LGA Template

### Template Code of Conduct

As a member or co-opted member of [*X authority*] I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in *[X authority]* this will be done as follows: *[to be completed by individual authorities]*

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As a Member of *[X authority]*, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the *[county][borough][Authority's area]* or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

## ACSES Draft Model

### **Ethical Governance Portfolio Draft CODE OF CONDUCT**

#### **Introduction**

This Code applies to you as a member of this authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

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 is based upon the “Nolan Principles – the seven principles of public life” which are set out at Appendix 1.

This Code does not cover matters in respect of which the Secretary of State may, under the Localism Act (when in force), specifically provide that criminal sanctions will apply.

#### **Interpretation**

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;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

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

#### **General Obligations**

1. When acting in your role as a member of the authority:

1.1 **Do** treat others with respect.

1.2, **Do not** conduct yourself in a manner which is contrary to the Council’s duty to promote and maintain high standards of conduct of members.

1.3 **Do not** 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 legal 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; and
    - (cc) you have consulted the Monitoring Officer prior to its release; or

1.4 **Do not** prevent another person from gaining access to information to which that person is entitled by law.

2. When using or authorising the use by others of the resources of the authority—

2.1 **Do** act in accordance with the authority's reasonable requirements including the requirements of the authority's ITC policy and the policies listed at appendix 3, copies of which have been provided to you and which you are deemed to have read ;

2.2 **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and

2.3 **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

### **Interests [Subject to localism Bill]**

3. As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, **Do** act solely in terms of the public interest and **Do not** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

4. There will be no requirement for you to declare or register any gifts and hospitality; however **Do not** accept any gifts or hospitality in excess of £50.00 (Fifty Pounds).

### **Disclosure and participation [Dependant on contents of interests Above]**

5. At a meeting where any such issues arise, **Do** declare any personal and/or professional interests relating to your public duties and **Do** to take steps to resolve any conflicts arising in a way that protects the public interest.

6. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an

impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the authority. **Do not** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and **Do not** vote in relation to such matters.

7. There are some decisions that your authority will need to make that could affect every member. A list of these is set out at Appendix 2. **You may** take part in these decisions *unless* you fall into one of the exceptions set out in the list.

8. **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

#### **Pre-determination or bias [Subject to Localism Bill provisions]**

9. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however **Do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

10 When making a decision, **Do** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

#### **Interests arising in relation to overview and scrutiny committees [Subject to Localism Bill provisions]**

11. In relation to any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where—

11.1 that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

11.2 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 11.1 and you were present when that decision was made or action was taken;

Or

11.3 that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);

**You may** attend a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

**THE SEVEN PRINCIPLES OF PUBLIC LIFE**

**SELFLESSNESS**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP**

Holders of public office should promote and support these principles by leadership and example.

## APPENDIX 2

Where the decision referred to in Clause 7 above relates to one of the functions of the authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, *unless* it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

# Code of Conduct for Members

## GENERAL PRINCIPALS

The following principles of conduct in public life are set out in the Localism Act 2011 as the basis of the Code of Conduct and members should have regard to them in their conduct as members of the Council;

- (a) selflessness;
- (b) integrity;
- (c) objectivity;
- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership

## PART 1

### GENERAL PROVISIONS

#### 1. INTRODUCTION AND INTERPRETATION

- 1.1 This Code applies to you as a Member of Cannock Chase District Council.
- 1.2 You should read this Code together with the general principles set out above which are part of the code.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 In this Code :
  - “Council” means Cannock Chase District Council
  - “meeting” means any formal or informal meeting of
    - (a) the Council
    - (b) the Executive (Cabinet)
    - (c) any of the Council’s or the Cabinet’s committees, sub- committees, joint committees, joint sub-committees, or area committees
    - (d) Members, with or without officers present, to discuss or consider the discharge of

the Council's functions;

"member" includes a co-opted member and an appointed member;

## 2. SCOPE

2.1 Subject to sub-paragraphs 2.2 to 2.5, you must comply with this code whenever you: (a)

conduct the business of the Council (which, in this Code, includes the business of any office of the Council 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 Council,

and references to a your official capacity are construed accordingly.

2.2 Subject to sub-paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.

2.3 Where you act as a representative of the Council on any other body, you must, when acting for that other body, comply with the Council's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## 3. GENERAL OBLIGATIONS

3.1 You must treat others with respect

3.2 You must not:-

(a) do anything which may cause the Council to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:

i. a complainant,

ii. a witness, or

iii. involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with this Code of Conduct; or

(d) do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

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

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

3.5 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 Council:-
  - i. act in accordance with the Council's reasonable requirements; and
  - 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.

3.6 When reaching decisions on any matter you must have regard to any relevant advice provided too you by :-

- (a) the Council's Chief Finance Officer, or

(b) the Council's Monitoring Officer

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

- 3.7 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

## **PART 2**

### **INTERESTS**

#### **1 NOTIFICATION OF INTERESTS**

- 1.1 In addition to the disclosable pecuniary interests notifyable under the Localism Act 2011, you must, within 28 days of—

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

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

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

- 1.2 You have a personal interest in any business of your authority where either—

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

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

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(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 council tax payers, ratepayers, or inhabitants of the electoral ward affected by the decision

1.3 A relevant person for the purpose of this Code is—

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

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

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

(d) any body of a type described in paragraph 1.2(a)(i) or (ii).

1.4 You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.

## **2 DISCLOSURE OF INTERESTS**

2.1 Subject to sub-paragraphs (2) to (5), where you have a personal interest described in paragraph 1 above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

2.2 You have a personal interest in any business of your authority where 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 electoral ward affected by the decision;

- 2.3 Where you have a personal interest in any business of your authority which relates to or is likely to affect a body described in paragraph 1(2)(a)(i) or 1(2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 2.4 Where you have a personal interest but, by virtue of paragraph 4, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 2.5 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

### **3 REGISTER OF INTERESTS**

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

### **4 SENSITIVE INTERESTS**

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

### **5 NON PARTICIPATION IN CASE OF PECUNIARY INTEREST**

- 5.1 Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which:
- (a) affects the financial position of you or a relevant person; or
  - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any relevant person; and

a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice your judgement of the public interest.

- 5.2 Subject to paragraph 5.3 and 5.4, where you have a pecuniary interest in any business of your authority—
- a) You may not participate in any discussion of the matter at the meeting.
  - b) You may not participate in any vote taken on the matter at the meeting.
  - c) If the interest is not registered, you must disclose the interest to the meeting.
  - d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition Council Procedure Rule X requires you to leave the room where the meeting is held while any discussion or voting takes place.

- 5.3 Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 5.4 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of—
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) 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;
  - (iii) an allowance, payment or indemnity given to members;
  - (iv) any ceremonial honour given to members; and
  - (v) setting council tax or a precept under the Local Government Finance Act 1992.

- 5.5 Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

## **6 INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES**

In any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where;

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

You may only attend a meeting of the overview and scrutiny committee for the purpose of giving an explanation of the decision or the reasons for it, answering questions or giving other evidence relating to the business, and you must take no other part in the discussion. If requested by the Chairman you must leave the room where the meeting is being held while the Committee debate and vote on the matter.

## DISCLOSABLE PECUNIARY INTERESTS

**This is not part of the Code of Conduct but is an explanation of the law on Disclosable Pecuniary Interests under the Localism Act 2011. Breach of these provisions is not dealt with as a breach of the Code of Conduct but by the criminal law. Breaches of the law may also be breaches of the Code of Conduct and if no action is taken under the criminal law action may be taken on the breach of the Code.**

This note explains the requirements of the Localism Act 2011 (Sections 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July 2012.

### **1 Notification of disclosable pecuniary interests**

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

---

<i>Interest</i>	<i>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

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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.

These descriptions on interests are subject to the following definitions;

“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” includes 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 the person M referred to in section 30 of the Act which reads;

*30 Disclosure of pecuniary interests on taking office*

- (1) *A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.*
- (2) *Where a person becomes a member or co-opted member of a relevant authority as a result of re-election or re-appointment, subsection (1) applies only as regards disclosable pecuniary interests not entered in the authority's register when the notification is given.*
- (3) *For the purposes of this Chapter, a pecuniary interest is a "disclosable pecuniary interest" in relation to a person ("M") if it is of a description specified in regulations made by the Secretary of State and either—*
  - (a) it is an interest of M's, or*
  - (b) it is an interest of—*
    - (i) M's spouse or civil partner,*
    - (ii) a person with whom M is living as husband and wife, or*
    - (iii) a person with whom M is living as if they were civil partners,**and M is aware that that other person has the interest.*
- (4) *Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (1), the authority's monitoring officer is to cause the interests notified to be entered in the authority's register (whether or not they are disclosable pecuniary interests).*

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

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

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and

Markets Act 2000() and other securities of any description, other than money deposited with a building society.

## **2 Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

## **3 Sensitive interests**

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

## **4 Non participation in case of disclosable pecuniary interest**

A) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Standing Order X requires you to leave the room where the meeting is held while any discussion or voting takes place.

B) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## **5 Dispensations**

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## **6 Offences**

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

# Section 28

## Standards Committee

### Terms of Reference

#### 1. STATUS

- 1.1 The Standards Committee is a standing committee of the Council with the purpose of determining standards to be observed by Members.

#### 2. MEMBERSHIP AND METHOD OF APPOINTMENT

- 2.1 The Committee will comprise no more than 7 Members appointed by the Council in accordance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning Political Balance.
- 2.2 The Standards Committee may not include the Leader of the Cabinet.
- 2.3 The Council will appoint X representatives of the Parish/Town Councils within the District to serve on the Committee as non-voting members.
- 2.4 The Independent Person and any reserve Independent Person may attend any meeting of the Committee as a non-voting member
- 2.5 No more than one Member of the Standards Committee may be a Member of Cabinet.
- 2.6 The Standards Committee may appoint Sub-Committees hearing Panels.
- .

#### 3. CHAIRMAN AND VICE-CHAIRMAN

- 3.1 The Chairman and Vice-Chairman will be appointed by the Council and shall not be members of the Cabinet.

#### 4. QUORUM

4.1 A meeting is not quorate unless at least three members are present.

4.2 No Parish/Town Council matter may be discussed unless a Parish Representative is present,

#### 5. Attendance by councillors who are not members of the committee

5.1 Any member of the Council may attend meetings of the Committee except when it is considering any confidential business.

#### 6. FREQUENCY OF MEETINGS

6.1 Meetings of the Committee will be held quarterly and otherwise as necessary.

#### 7. AGENDA

7.1 Prior to the meeting of the Committee, the Monitoring Officer will circulate to all Members of the Council, Agenda and Reports to be considered by the Committee.

#### 8. PROCEEDINGS

8.1 The Chief Executive (or his nominee) shall be Clerk of the Committee.

8.2 The provisions of Schedule 12 of the Local Government Act 1972, as amended, will apply as appropriate.

#### 9. REPORTS TO COUNCIL

9.1 Reports in the form of Minutes detailing action taken under delegated powers and recommendations will be submitted to Council which may accept amend or reject any recommendation but not a resolution of the Committee.

#### 10. FUNCTIONS

10.1 To undertake the following functions:

- a. To promote and maintain high standards of conduct by Members and co-opted Members

- b. To assist Members and co-opted Members to observe the Council's codes of conduct
- c. To advise Council on the adoption or revision of its code of conduct for Members
- d. To advise, train or arrange to train Members and co-opted Members on matters relating to the Council's codes of conduct
- e. To monitor the operation of the Council's codes of conduct
- f. If requested, consider whether to grant dispensations in relation to a District Councillor or Councillors with a pecuniary interest in a matter proposed for discussion
- g. Hold hearings into complaints against Councillors and former Councillors of the District and Parish/Town Councils relating to potential breaches of the Code of Conduct which are referred to it.

10.2 To deal with any other matter referred to it by Council or the Monitoring Officer.

## 11. DELEGATED POWERS

11.1 The Committee is empowered to deal with any of the functions detailed above and where these involve hearings, in accordance with:



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# STANDARDS COMMITTEE COMPLAINTS PROCEDURE

## 1 INTRODUCTION

- 1.1 These procedures set out how a complainant (“Complainant”) may make a complaint (“Complaint”) that an elected or co-opted member of this Council, or of a parish council within its area, (“Councillor”) has failed to comply with their council’s Code of Conduct for Councillors (“Code”).
- 1.2 The procedures also set out how the Council will deal with a Complaint.

## 2 THE CODES OF CONDUCT

- 2.1 The Council has adopted a Code of Conduct for Councillors, which is available on the Council’s website and on request from Democratic Services (see contact details below).
- 2.2 Each parish council is also required to adopt a Code of Conduct for Councillors. The parish councils’ Codes are available on request from the respective parish clerk (“Clerk”).

## 3 MAKING A COMPLAINT

- 3.1 In order to ensure that we have all the information which we need to be able to process a complaint, Complaints must be submitted on the Standard Complaint Form, which can be downloaded from the Council’s website and is available on request from Democratic Services (see contact details below).
- 3.2 Complaints must be sent to the Monitoring Officer (see contact details below).
- 3.3 If a Complaint is received other than on the Standard Complaint Form, we will not consider it but we will send the Complainant a copy of the form for completion. If anyone needs assistance completing the form, they can contact Democratic Services (see contact details below).
- 3.4 Complainants should give us their name and a contact address or email

address, so that we can acknowledge receipt of the Complaint and keep them informed of its progress. If a Complainant wants to keep their name and address confidential, they should indicate this on the Standard Complaint Form. In this case we would not disclose their name and address to the Councillor without the Complainant's prior consent. However, the Council does not normally investigate anonymous Complaints or complaints where the Complainant wishes to remain confidential, unless there is a clear public interest in doing so.

- 3.5 Within 5 working days of receiving a Complaint, the Monitoring Officer will usually:
  - 3.5.1 acknowledge receipt to the Complainant;
  - 3.5.2 send a copy of the Complaint to the Councillor, unless the Monitoring Officer considers that this may prejudice investigation;
  - 3.5.3 send a copy of the Complaint to the Clerk (if appropriate).
- 3.6 The Monitoring Officer will keep the Complainant, the Councillor and the Clerk (if appropriate) informed of the progress of the Complaint, unless the Monitoring Officer considers that this may prejudice any investigation.

#### **4 WILL THE COMPLAINT BE INVESTIGATED?**

- 4.1 Where possible and appropriate, the Monitoring Officer will seek to resolve the Complaint informally, without the need for a formal investigation. Such informal resolution may involve the Councillor accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Council or the respective parish council.
- 4.2 The Monitoring Officer will review every Complaint received and, after consultation with the Chairman of the Standards Committee and the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of the Complaint. When the Monitoring Officer has taken a decision, they will inform the Complainant, the Councillor and the Clerk (if appropriate) of their decision and the reasons for that decision.
- 4.3 Where the Monitoring Officer requires additional information in order to come to a decision, they may ask the Complainant, the Councillor or the Clerk (if appropriate) for such information. Where a Complaint relates to a parish councillor, the Monitoring Officer may also seek the views of the Chairman of the parish council before deciding whether the Complaint merits formal investigation.
- 4.4 If the Complaint alleges criminal conduct or breach of a regulation by any person, the Monitoring Officer has the power to call in the Police and/or

other regulatory agencies. In such cases it may be necessary to postpone consideration of the Complaint until the Police or other action has been concluded.

- 4.5 If the Monitoring Officer decides not to investigate a complaint, they will nevertheless report this to the next ordinary meeting of the Standards Committee and the relevant parish council (if appropriate) for information.

## **5 HOW IS AN INVESTIGATION CONDUCTED?**

- 5.1 If the Monitoring Officer decides that a Complaint merits formal investigation, they will, where appropriate after consultation with the Chairman of the Standards Committee and the Independent Person, appoint an Investigating Officer who may be another officer of the Council, an officer of another Council or an appropriately experienced external investigator.
- 5.2 The Investigating Officer will decide whether they need to meet or speak to the Complainant to understand the nature of the Complaint and so that the Complainant can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who they need to interview.
- 5.3 The Investigating Officer would normally write to the Councillor and ask them to provide their explanation of events, and to identify what documents the Investigating Officer needs to see and who they need to interview. In exceptional cases, the Investigating Officer may delay notifying the Councillor until the investigation has progressed sufficiently.
- 5.4 At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the Complainant and to the Councillor, to give them both an opportunity to identify any matter in that draft report which they disagree with or which they believe requires more consideration.
- 5.5 Having received and taken account of any comments on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

**6 WHAT HAPPENS IF THE INVESTIGATING OFFICER CONCLUDES THAT THERE IS NO EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?**

- 6.1 The Monitoring Officer will review the Investigating Officer's report. If they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will send a copy of the Investigating Officer's final report to the Complainant, the Councillor, the Chairman of the Standards Committee, the Independent Person and the Clerk (if appropriate) and notify them that they are satisfied that no further action is required. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider their report.
- 6.2 The outcome of such investigations will be reported to the next ordinary meeting of the Standards Committee and the relevant parish council (if appropriate) for information.

**7 WHAT HAPPENS IF THE INVESTIGATING OFFICER CONCLUDES THAT THERE IS EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?**

- 7.1 The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing by the Standards Committee or, after consulting the Independent Person, seek Summary Resolution (see below).

**SUMMARY RESOLUTION**

- 7.2 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Chairman of the Standards Committee, the Independent Person and with the Complainant and seek to agree what they consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such a resolution may include the Councillor accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council or the relevant parish council (if appropriate).
- 7.3 If the Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee and the relevant parish council (if appropriate) for information, but will take no further action.

## REFERRAL FOR HEARING

- 7.4 If the Monitoring Officer considers that Summary Resolution is not appropriate, or the Councillor does not comply with any suggested resolution, then the Monitoring Officer will refer the Investigating Officer's report to the Standards Committee for a hearing to decide whether or not the Councillor has failed to comply with the respective Code of Conduct and, if so, whether to take any action in respect of the Councillor.

## HEARING PROCEDURE

- 7.5 The Monitoring Officer will conduct a "pre-hearing process", requiring the Councillor to give their written response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing.
- 7.6 The Chairman of the Standards Committee may issue directions as to the manner in which the hearing will be conducted.
- 7.7 The procedure for hearings is set out in Appendix 2: Hearing Procedure.
- 7.8 The Investigating Officer may ask the Complainant to attend the hearing to give evidence. The Complainant does not otherwise have the right to speak at the hearing but they may usually attend as a member of the public.

## **8 WHAT ACTION CAN THE STANDARDS COMMITTEE TAKE WHERE A COUNCILLOR HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT?**

- 8.1 The Council has delegated to the Standards Committee such of its powers to take action in respect of individual councillors as may be necessary to promote and maintain high standards of conduct.
- 8.2 The sanctions available to the Standards Committee are set out in Appendix 2: Hearing Procedure.

## **9 WHAT HAPPENS AFTER A HEARING?**

- 9.1 As soon as reasonably practicable, the Monitoring Officer will prepare a formal decision notice, in consultation with the Chairman, and send a copy to the Complainant, the Councillor and the Clerk (if

appropriate). They will also make that decision notice available for public inspection on the Council's website for at least 12 months after the hearing.

## **10 WHO ARE THE STANDARDS COMMITTEE?**

10.1 The Standards Committee is a committee of the Borough Council. It is appointed by the Council and comprises:

10.1.1 X Borough Councillors, including not more than one member of the Council's Executive.

10.1.2 XXXXXXXXXXXXXXXXXXXX.

## **11 WHO IS THE INDEPENDENT PERSON?**

11.1 The Independent Person is a person who has been appointed by a majority of all the Councillors on the Borough Council.

11.2 The Independent Person is invited to attend all meetings of the Standards Committee. Their views are sought and taken into consideration:

11.3.1 before the Monitoring Officer decides whether to investigate a Complaint;

11.3.2 before the Monitoring Officer decides whether to refer an investigated Complaint for hearing or for Summary Resolution;

11.3.3 before the Committee takes any decision on whether the Councillor's conduct constitutes a failure to comply with the respective Code of Conduct; and

11.3.4 as to any action to be taken following a finding of failure to comply with the respective Code of Conduct.

## **12 APPEALS**

12.1 There is no right of appeal for the Complainant or for the Councillor against a decision of the Monitoring Officer or of the Standards Committee.

## **13 REVISION OF THESE ARRANGEMENTS**

- 13.1 The Standards Committee may amend these arrangements, and has delegated to the Chairman of the Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **14 CONTACT DETAILS**

- 14.1 The Council's Monitoring Officer is:

Mr Alistair Welch

Cannock Chase District Council  
Civic Centre  
Beecroft Road  
Cannock  
Tel: 01785619204  
Email: [awelch@staffordbc.gov.uk](mailto:awelch@staffordbc.gov.uk)

- 14.2 The Democratic Services Team can be

Democratic Services  
Cannock Chase District Council  
Civic Centre  
Beecroft Road  
Cannock  
Tel: 01543464XXX  
Email: [XXXXXXXXXX@cannockchasedc.gov.uk](mailto:XXXXXXXXXX@cannockchasedc.gov.uk)

# DISPENSATIONS PROCESS AND FORM

## 1 INTRODUCTION

- 1.1 The Standards Committee is responsible for determining requests for dispensation by Councillors of Cannock Chase District Council under Section 33(2) Localism Act 2011.
- 1.2 This note explains:
- 1.2.1 the purpose and effect of dispensations;
  - 1.2.2 the procedure for requesting dispensations;
  - 1.2.3 the criteria which are applied in determining dispensation requests;
  - 1.2.4 the terms of dispensations.

## 2 PURPOSE AND EFFECT OF DISPENSATIONS

- 2.1 In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited under the Code of Conduct. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct.

## 3 PROCESS FOR MAKING REQUESTS

- 3.1 Any Councillor who wishes to apply for a dispensation must fully complete the attached form at Appendix A and submit it to the Monitoring Officer at least 15 working days before the meeting for which the dispensation is required. Applications may be accepted within a shorter period in exceptional circumstances.
- 3.2 In order to avoid delay Councillors must ensure that they give full details of the grounds for their request and submit it to the Monitoring Officer as soon as they become aware that a dispensation is necessary.

- 3.3 A request for dispensation must be made on an individual basis. Group applications are not permitted.

#### **4 CONSIDERATION BY THE MONITORING OFFICER**

- 4.1 The Monitoring Officer will consider requests for a dispensation in the order in which they are received having regard to the criteria set out in paragraph 6.
- 4.2 In the case of a Disclosable Pecuniary Interest, the Monitoring Officer, after consultation with the Chairman of the Standards Committee and the Independent Person, may grant a dispensation if they consider that either:
- 4.2.1 without the dispensation the number of persons prohibited by Section 31(4) Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business (i.e. the meeting would be inquorate); or
- 4.2.2 without the dispensation each member of the Council's executive would be prohibited by Section 31(4) Localism Act 2011 from participating in any particular business to be transacted by the Council's executive.
- 4.3 The provisions of paragraph 4.2 shall also apply in the same way in the case of an Ordinary Pecuniary Interest, subject to the substitution of "the Code of Conduct" for "Section 31(4) Localism Act 2011" in that paragraph.
- 4.4 The terms of any dispensation shall be in accordance with paragraph 7.
- 4.5 The Monitoring Officer will notify the Councillor of their decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.
- 4.6 If the Monitoring Officer does not fully grant the dispensation requested by the Councillor, they shall refer the request to the Standards Committee as soon as is reasonably practicable.

## **5 CONSIDERATION BY THE STANDARDS COMMITTEE**

- 5.1 The Standards Committee will consider requests for a dispensation referred by the Monitoring Officer in the order in which they were received by the Monitoring Officer having regard to the criteria set out in paragraph 6.
- 5.2 Meetings of the Standards Committee will normally be open to the public and any Councillor who has submitted a request will have the opportunity to attend and make representations in support of their application.
- 5.3 In the case of a Disclosable Pecuniary Interest, the Standards Committee may grant a dispensation if they consider that
  - 5.3.1 without the dispensation the number of persons prohibited by Section 31(4) Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business (i.e. the meeting would be inquorate);
  - 5.3.2 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;
  - 5.3.3 granting the dispensation is in the interests of persons living in the Council's area;
  - 5.3.4 without the dispensation each member of the Council's executive would be prohibited by Section 31(4) Localism Act 2011 from participating in any particular business to be transacted by the Council's executive; or
  - 5.3.5 it is otherwise appropriate to grant a dispensation.
- 5.4 The provisions of paragraph 5.3 shall also apply in the same way in the case of an Ordinary Pecuniary Interest, subject to the substitution of "the Code of Conduct" for "Section 31(4) Localism Act 2011" in that paragraph.
- 5.5 The terms of any dispensation shall be in accordance with paragraph 7.
- 5.6 The Monitoring Officer will notify the Councillor of the Committee's decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.

## **6 CRITERIA FOR DETERMINATION OF REQUESTS**

- 6.1 In reaching a decision on a request for a dispensation the Monitoring Officer or the Standards Committee (as appropriate) will take into account:
  - 6.1.1 the nature of the Councillor's prejudicial interest;
  - 6.1.2 the need to maintain public confidence in the conduct of the Council's business;
  - 6.1.3 the possible outcome of the proposed vote;
  - 6.1.4 the need for efficient and effective conduct of the Council's business;
  - 6.1.5 any other relevant circumstances.

## **7 TERMS OF DISPENSATIONS**

- 7.1 Dispensations may be granted:
  - 7.1.1 for one meeting; or
  - 7.1.2 for a period not exceeding 4 years.
- 7.2 Dispensations may allow the Councillor:
  - 7.2.1 to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
  - 7.2.2 to participate in any vote, or further vote, taken on the matter at the meeting(s).
- 7.3 If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.

## **8 DISCLOSURE OF DECISION**

- 8.1 Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.
- 8.2 A copy of the dispensation will be kept with the Register of Councillors' Interests.

## Appendix A

### Cannock Chase District Council Standards Committee Dispensation Request Form

*Please give full details of the following in support of your application for a dispensation.*

*You should refer*

*to the accompanying guidance "Dispensations Process and Form".*

*If you need any help completing this form please contact the Monitoring Officer*

Your name	
Decision-making body in respect of which you require a dispensation	
Details of your membership of that body	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes/No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes/No

Full reasons why you consider a dispensation is necessary (use a continuation sheet if necessary)	
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Signed: ..... Dated: .....

***Please send your completed form to Monitoring Officer, Cannock Chase District Council or by email to [awelch@staffordbc.gov.uk](mailto:awelch@staffordbc.gov.uk). You will receive notification of the Monitoring Officer's decision within 5 days of the decision.***