

Standards Committee – Meeting held on Monday, 29th March, 2010.

Present:-

Co-opted Independent Members:-

The Reverend Paul Lipscomb (Chair), Mr Fred Ashmore, Mr Mike Field and Dr Henna Khan (arrived at 6.40 p.m.)

Elected Members:-

Councillors P Choudhry, Hewitt and Mann

Parish Councillor Representatives:-

Parish Councillors Howard Jones, Dalip Rajput and Alan Tilbury

Apologies for Absence:- Councillors MacIsaac and Qureshi

PART I

20. Declarations of Interest

None.

21. Steven Quayle - Borough Secretary and Solicitor

The Chair advised the Committee that this was Mr Quayle's last meeting as he was due to retire from the Council's service on 31st March, 2010. The Committee Members expressed their sadness and regret at Mr Quayle's departure and it was

Resolved – That the Committee place on record its best thanks and appreciation to Mr Quayle for all his work and support for the Committee since its inception in May 1999 and convey to him its very best wishes for the future.

22. Minutes

The Minutes of the Meeting of the Committee held on 11th January, 2010 were approved as a correct record and signed by the Chair.

23. Parish Council Representatives

The Committee welcomed Colnbrook with Poyle Parish Councillor Howard Jones and Britwell Parish Councillor Alan Tilbury who had been appointed to serve on the Standards Committee for the remainder of the current municipal year following the resignations of Parish Councillors Nicoline Brandligt and Laurie Tucker.

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24. Annual Review for 2009/2010

The Borough Secretary and Solicitor sought the Members' views and suggestions on the format and content of the Standards Committee's Annual Review for 2009/2010.

Resolved – That the current format adopted in respect of the Committee's Annual Review be retained and the Review for 2009/2010 be prepared in consultation with the Chair of the Committee.

(Note: Dr Henna Khan arrived).

25. Criteria for Granting Dispensations

The Standards Committee (Further Provisions) England Regulations 2009 set out new rules for the granting of dispensations in certain circumstances where Members had a personal and prejudicial interest. Under the Regulations a Standards Committee could grant a dispensation to a Member in the following circumstances:-

- (a) Where more than 50% of the Members who would be entitled to a vote at a meeting are prohibited from voting as they have a personal and prejudicial interest, or
- (b) Where the number of Members that are prohibited from voting at a meeting would upset the political balance in the meeting to the extent that the outcome of the voting would be prejudiced.

To decide whether these criteria applied, Members had to ignore any dispensations that had already been given to others at the meeting. This meant previously granted dispensations were disregarded for the purposes of working out whether the two circumstances above applied. Even where the criteria applied Members could not obtain a dispensation to:-

- allow them to take part in voting at an Overview & Scrutiny Committee about a decision made by any body of which they were a member at the time the decision was taken.
- allow an Executive Member with a prejudicial interest in an item of executive business to take an executive decision about it on their own.

A Member seeking a dispensation was required by law to submit an application in writing for consideration by the Standards Committee and it was up to the Committee to decide whether or not to grant a dispensation. There was no right of appeal from its decision.

The Standards Committee could decide the nature of the dispensation granted. For example, the dispensation might allow a Member to speak and not vote or to fully participate and vote. The Committee could also decide

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how long a dispensation should apply although it could be no longer than 4 years. After 4 years the dispensation automatically expired. Any dispensation decision had to be recorded in writing and kept with the Register of Members' Interests maintained by the Monitoring Officer.

The Borough Solicitor and Secretary submitted the issues and criteria to be considered when granting dispensations which had been set out in the guidance document entitled "Dispensations" published by Standards for England which he considered would be adequate for the purposes of the Council. He indicated that it was highly unlikely that the circumstances set out in sub-paragraphs (a) and (b) above would apply to the Council and for this reason he considered no additional local criteria would be necessary.

Resolved –

- (a) That a Standards (Dispensation) Sub-Committee comprising two Independent Members and three Councillors be appointed to consider requests for dispensations.
- (b) That Councillors Choudhry, Hewitt and Mann together with The Reverend Paul Lipscomb and Mr Mike Field be appointed to serve on the Standards (Dispensation) Sub-Committee for the remainder of the current municipal year.
- (c) That the Member Services Manager be requested to prepare an application form for use by Members who wished to apply for a dispensation.
- (d) That the issues and criteria to be considered when granting dispensations as set out on pages 5 and 6 of the guidance issued by Standards for England entitled "Dispensations" be adopted.
- (e) That the Member Panel on the Constitution be requested to recommend to Council that the Constitution be amended to reflect the establishment of the new Standards (Dispensation) Sub-Committee and its terms of reference now submitted.

26. Standards Committee Work Programme 2009/2010

The Officers submitted for consideration the Committee's revised Work Programme for 2009/2010.

In considering the programme attention was drawn to the Members' Training Programme and the need to address the issue of Members' behaviour at meetings. The Member Services Manager indicated that guidance on meeting etiquette could be incorporated into the Member training session on 'Council and Committees' scheduled to be held on 17th May, 2010 and the general issue of Members' behaviour at meetings could also be addressed at the session on the Local Code of Conduct to be held on 12th May, 2010.

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The Chair of the Committee referred to a recent report of the Audit Commission in which it had suggested that the Council should more widely publicise the work of the Standards Committee and intimated that there was additional work/issues which the Committee needed to address. The Borough Secretary and Solicitor was seeking clarification of both these matters from the Audit Commission and it was suggested that the Committee's Work Programme should be amended to incorporate any recommendations from the Audit Commission.

Resolved - That the current work programme for 2009/2010 now submitted be noted.

27. Vote of Thanks

Resolved - That the Committee place on record its thanks and appreciation to The Reverend Paul Lipscomb for the courtesy and impartiality he has demonstrated as Chair of the Committee during the past municipal year and its thanks to the other Independent Members and Officers of the Committee for their services.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.03 pm)