

Report to the Standards Committee

Date of meeting: 2 October 2012

Report of: Monitoring Officer

Subject: Code of Conduct and Participation by Members

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Recommendations:

- (1) That the Members' Code of Conduct adopted by the District Council on 18 June 2012 be noted; and**
- (2) To recommend to the Council that members having an interest and wishing to make representations before leaving a meeting where the public have the right to speak be required to seek a dispensation.**

(Monitoring Officer) At its meeting on 18 June 2012, the Council adopted the attached Code of Conduct and Complaints Procedures which had been developed by the Public Law Partnership.

In adopting the Code of Conduct, it was agreed that this should be reviewed after one year.

The Council noted that the Code of Conduct does not include the provisions in the previous Code for members having an interest to make representations before leaving a meeting where the public have the right to speak. The Council requested this Committee to recommend a standing order to provide for the circumstances under which a member can make representations of this kind.

In considering this matter the Committee should have regard to the relevant attached statutory provision (section 31 of the Localism Act 2011). The legislation makes it clear that if a member is present at a meeting of the Council, its Executive or any committee of the Executive, or of any committee, sub-committee, joint committee or joint sub-committee of the authority, and has a disclosable pecuniary interest relating to business which is to be considered at the meeting, he/she must not:

- (a) participate in any discussion of the business at the meeting, or
- (b) participate in any vote on the matter at the meeting.

The Department for Communities and Local Government Guide for Councillors on the new standard arrangements states that these prohibitions apply to any form of participation, including speaking as a member of the public.

It would be inappropriate to have a standing order which is contrary to statute and in the event of a challenge the law would provide.

However, in certain circumstances a request for dispensation in accordance with section 33 of the Act (also attached) could be appropriate and it is suggested that the Committee recommend accordingly.