

**Report to Council**

**Subject: Approval of a Standing Order excluding a Member from a meeting where they have a disclosable pecuniary interest**

**Date: 12 September 2012**

**Author: Council Solicitor and Monitoring Officer**

**1. Purpose of the Report**

To seek approval to include a Standing Order in the Council Procedure Rules requiring a member to withdraw from the meeting room where they have a disclosable pecuniary interest.

**2. Background**

- 2.1 Members will recall that the attached report was presented to the Council meeting on 11 July 2012 recommending that the Council adopt a Standing Order requiring a member to withdraw from the meeting room where they have a disclosable pecuniary interest. In view of the operation of Standing Order 29, consideration of the report was adjourned without further discussion.

**3. Recommendation**

**It is recommended that:**

- 3.1 the Council approves the adoption of the Standing Order excluding a Member from the meeting where they have a disclosable pecuniary interest as set out in the attached report.
- 3.2 the Council Solicitor and Monitoring Officer be authorised to make the appropriate amendments to the Constitution to incorporate the Standing Order.

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**Subject:** Approval of a Standing Order excluding a Member from a meeting where they have a disclosable pecuniary interest

**Date:** 11 July 2012

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**1. Purpose of the report**

To seek approval to include a Standing Order in the Council Procedure Rules requiring a member to withdraw from the meeting room where they have a disclosable pecuniary interest.

**2. Background**

2.1 The Council has a specific statutory power under Section 31(10) of the Localism Act to adopt a Standing Order excluding a Member from the meeting where they have a disclosable pecuniary interest.

2.2 As detailed in a separate report on the agenda, it is important to include a requirement that a member leaves the room where they have a disclosable interest in order to protect members from committing criminal offences and/or seeking to influence their colleagues by remaining in the room. If members are required to leave the room they will not be in a position where they inadvertently participate in a debate for example by seeking simply to clarify something which another member has said.

2.3 It is therefore proposed that the Council adopts a Standing Order in the following terms:

*(1) If a member is aware he/she has a disclosable pecuniary interest in any matter to be considered, or being considered at the meeting, the Member must withdraw from the room or chamber where the meeting considering the business is being held:*

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

*bb) in any other case, wherever it becomes apparent that the business is being considered at that meeting;*

*unless the member has obtained a dispensation from the Council's Standards Committee or Monitoring Officer.*

*(2) Where a member has a disclosable pecuniary interest in any business of the Council, the member may attend a meeting (including a meeting*

*of the overview and scrutiny committee of the Council 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.*

2.4 The proposed change falls within Standing Order 29 which states:

*“29. Variation and Revocation of the Constitution*

*Any motion to add to, vary or revoke the Articles of the Constitution, Procedural Standing Orders, Standing Orders relating to Contracts, Standing Orders dealing with Land and Standing Orders relating to staff except for the amendment of financial limits and other amendments appropriate to give effect to changes in officers’ duties, responsibilities and titles, shall, when proposed and seconded, stand adjourned without disclosure to the next ordinary meeting of the Council.”*

Consequently, this change cannot be agreed straightaway.

### **3. Recommendation**

**It is recommended that:**

- 3.1 the Council approves the adoption of the Standing Order excluding a Member from the meeting where they have a disclosable pecuniary interest as set out in the report; and
- 3.2 the Council Solicitor and Monitoring Officer be authorised to make the appropriate amendments to the Constitution to incorporate the amendment.