



**STANDARDS COMMITTEE
4 SEPTEMBER 2009**

**APPLICATION FOR DISPENSATIONS:
SPELTHORNE BOROUGH COUNCILLORS AND HEATHROW
AIRTRACK**

PURPOSE OF REPORT: for decision

Background:

- 1 Heathrow Airtrack is a proposed new rail link between Heathrow terminal 5 and the existing rail network, including Guildford and London Waterloo. Major works are required in and around Staines to link Airtrack into the existing network.
- 2 Following two rounds of consultation, Heathrow Airport limited (HAL) has submitted an application to the Secretary of State for Transport for an Order under the Transport and Works Act 1992. The Order seeks authorisation to carry out works and acquire the land needed (either temporarily or permanently) for Airtrack.
- 3 Spelthorne Borough Council owns a substantial amount of land which is required by HAL, including part of the Elmsleigh Centre in Staines town centre. The proposed Order includes powers to compulsorily acquire this land from the Borough Council.
- 4 Borough Councillors, both those who are co-opted to the Local Committee and those who are also County Councillors must declare their membership of the Borough Council in the Register of Interests as a body exercising functions of a public nature of which they are a member (para 8a(ii) (aa) of the Code of Conduct) and will have a prejudicial interest in any business of the County Council where it affects the finances of the Borough Council and 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 their judgement of the public interest.

Applications for dispensation

- 5 Legislation allows standards committees to grant dispensations for Members allowing them to participate at a meeting when they have a prejudicial interest. Dispensations may be granted for speaking only, or for speaking and voting.
- 6 A standards committee may grant a dispensation to a member or co-opted member of an authority in the following circumstances:
- Where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting OR
 - Where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of the voting would be prejudiced.
- The Local Authorities (Model Code of Conduct) Order 2007 enables a dispensation to be granted in respect of meetings of local committees.
- 7 Spelthorne Local Committee has seven County Councillors and seven Borough Members co-opted to the Committee. The Borough Councillors have voting rights in respect of highways matters. Two of the County Council members are also Borough Councillors. The political proportionality of the committee is as follows:
- a. Conservative -11
 - b. Liberal Democrat - 2
 - c. Labour - 1
- Seven Conservatives are Borough Councillors and 2 Liberal Democrats are Borough Councillors.
- 8 Standards committees must ignore any dispensations that have already been given to others at the meeting to decide whether either of the criteria apply.
- 9 A dispensation may be granted for one meeting or it may be applicable on an ongoing basis. A dispensation expires after four years.

Criteria

- 10 The Standards Board has recently published guidance on the criteria that a standards committee may consider adopting when deciding whether to grant a dispensation. The most relevant to these applications is set out overleaf:

Considerations for dealing with dispensation requests

Q. Is the nature of the member's interest such that allowing them to participate would not damage public confidence in the conduct of the authority's business?

For instance, it is unlikely that it would be appropriate to grant a dispensation to a member who has a prejudicial interest arising as a result of an effect on their personal financial position or on that of a relative. The adverse public perception of the personal benefit to the member would probably outweigh any public interest in maintaining the political balance of the committee making the decision. This is especially where an authority has well-established processes for members on committees to be substituted by members from the same political party. However, the prejudicial interest could arise from the financial effect the decision might have on a public body of which they are a member. In such cases, it is possible that any public interest in maintaining the political balance of the committee making the decision might be given greater prominence.

- 11 The deadline for receipt of applications for a dispensation to be considered at this meeting of the committee is 2 September. Any applications received will be circulated after that date.

Financial and Value for Money Implications

- 12 None

Equalities Implications

- 13 None

Risk Management Implications

- 14 None

Implications for the Council's Priorities or Community Strategy/Local Area Agreement Targets

- 15 None

Recommendations:

That the Standards Committee consider the individual applications made to it and decide whether it will grant the dispensation.

What Happens Next:

The decision of the Standards Committee will be recorded in writing and kept with the Register of Interests established and maintained under Section 81(1) of the Local Government Act 2000.

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Sources/background papers:

Dispensations (www.standardsforengland.gov.uk)