

Notice of Special Meeting

Audit & Governance Committee



Date & time
Tuesday, 12
February 2013
at 9.30 am

Place
G10, County Hall,
Kingston upon
Thames, Surrey KT1
2DN

Contact
Helen Rankin
Room 122, County Hall
Tel 020 85419 126

Chief Executive
David McNulty

helen.rankin@surreycc.gov.uk

If you would like a copy of this agenda or the attached papers in another format, eg large print or braille, or another language please either call 020 8541 9068, write to Democratic Services, Room 122, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 8914, fax 020 8541 9009, or email helen.rankin@surreycc.gov.uk.

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Helen Rankin on 020 85419 126.

Members

Mr Nick Harrison (Chairman), Mr W D Barker OBE (Vice-Chairman), Mr Stephen Cooksey, Mr Tony Elias, Mr Mel Few and Denis Fuller

Ex Officio:

Mr David Hodge (Leader of the Council), Mr Peter Martin (Deputy Leader), Mr David Munro (Vice Chairman of the County Council) and Mrs Lavinia Sealy (Chairman of the County Council)

AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 DECLARATIONS OF INTEREST

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

Notes:

- In line with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, declarations may relate to the interest of the member, or the member's spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners and the member is aware they have the interest.
- Members need only disclose interests not currently listed on the Register of Disclosable Pecuniary Interests.
- Members must notify the Monitoring Officer of any interests disclosed at the meeting so they may be added to the Register.
- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest.

3 QUESTIONS AND PETITIONS

To receive any questions or petitions.

Notes:

1. The deadline for Member's questions is 12.00pm four working days before the meeting (*6 February 2013*).
2. The deadline for public questions is seven days before the meeting (*5 February 2013*).
3. The deadline for petitions was 14 days before the meeting, and no petitions have been received.

4 BUSINESS PLANNING 2013-2018

On 1 February 2013 the Audit & Governance Committee joined the Council Overview & Scrutiny Committee to consider the Treasury Management Strategy, which formed part of the Business Planning 2013 – 2018 papers.

The Committee is asked to **endorse** any recommendations and/or decisions that were agreed in relation to the Treasury Management Strategy at the meeting on 1 February 2013.

5 REPORT OF THE MONITORING OFFICER: DISPENSATION FOR MEMBERS TO ENABLE THEM TO PARTICIPATE IN THE COUNCIL BUDGET MEETING

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- 2)

The Committee is being asked to grant dispensations to all members to enable them to fully participate in the Council's budget meeting.

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- Interfere with the PA and Induction Loop systems
- Distract other people
- Interrupt presentations and debates
- Mean that you miss a key part of the discussion

Please switch off your mobile phone/BlackBerry for the duration of the meeting. If you wish to keep your mobile or BlackBerry switched on during the meeting for genuine personal reasons, ensure that you receive permission from the Chairman prior to the start of the meeting and set the device to silent mode.

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AUDIT & GOVERNANCE COMMITTEE
12 February 2013

REPORT OF THE MONITORING OFFICER

DISPENSATION FOR MEMBERS TO ENABLE THEM TO PARTICIPATE IN THE COUNCIL BUDGET MEETING

SUMMARY:

The Committee is being asked to grant dispensations to all members to enable them to fully participate in the Council's budget meeting.

RECOMMENDATION:

That all County Councilors' are granted a dispensation to enable them to participate in and vote at the Council budget meeting on 12 February 2013

BACKGROUND:

1. In accordance with the Localism Act 2011 and the Council's Constitution, Council members are not permitted to speak or vote on any matter being dealt with at a meeting when they have a disclosable pecuniary interest, and are required to leave the room when the matter is being discussed. Members, their spouses or partners owning or renting a property in Surrey and paying Council tax may have a disclosable pecuniary interest in any decision to agree the budget including the Council tax precept. Under the previous statutory code of conduct, decisions regarding setting the Council tax precept were excluded from the scope of the regime, but no similar provisions were made under the Localism Act 2011
2. Given the importance of all members being able to fully participate in the meeting dealing with the Council budget, the Committee is asked to grant dispensations to members who would otherwise not be able to take part as a result of these particular disclosable pecuniary interests. There are a number of statutory and locally agreed criteria that can be applied when granting a dispensation. The monitoring officer considers that one of the statutory criteria is particularly pertinent here, namely that the granting of the dispensation to all members is in the interests of people living in the Council's area. Alternatively the Committee can in any event exercise its own discretion to consider that it would be otherwise appropriate to grant a dispensation
3. Ordinarily an application for a dispensation is made individually by a member on written request to the monitoring officer, and the matter is then put to the Committee to determine. However, given that this potentially affects significant numbers of members, the monitoring officer has written to all members indicating that she has taken the liberty of making this application for general dispensation on their behalf unless they advise her otherwise. The Committee will be advised of

any members who have specifically requested that they do not wish a dispensation to be made for them.

4. It is fair to say that there have been different interpretations of these provisions in different authorities, but given that a breach of these requirements would potentially be a criminal offence and as there is a process available to avoid any doubt, the monitoring officer has preferred to advise that the issue is managed in this way
5. Dispensations can be made for one meeting or on an ongoing basis for up to four years. It is recommended that this dispensation applies to the Council budget meeting for 2013 and given that elections are taking place this year the matter can be addressed again next year if necessary to do so

CONCLUSION:

It is in the public interest for all members of the Council to be able to participate in the discussions and decision relating to the Council's budget. As a result of any property interest they or their spouse or partner hold in Surrey and the fact that they are Council tax payers as a result, some members may have a disclosable pecuniary interest which would preclude them from dealing with this matter. The law enables dispensations to be made for members on the basis that it is in the interests of people living in the authority's area. To ensure that all the residents of Surrey can be properly represented in this debate and decision, it is recommended that the dispensations are made as requested.

WHAT HAPPENS NEXT:

If the dispensation is granted, all County Councillors will be able to fully participate in the Council budget meeting.

CONTACT DETAILS: Allan Wells, Lead Manager, Legal Services
Allan.wells@surreycc.gov.uk 020 8541 7122

Sources/background papers: N/A
