

STANDARDS COMMITTEE (SPECIAL) MINUTES

18 JANUARY 2013

Chairman: * Councillor Mano Dharmarajah

Councillors: * John Nickolay (3) * Paul Osborn
* Asad Omar * Victoria Silver

Independent Persons: † Mr J Coyle * Mr D Lawrence
† Dr J Kirkland

In attendance: Graham Henson Minute 102
(Councillors)

* Denotes Member present
(3) Denotes category of Reserve Members
† Denotes apologies received

99. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Member:-

Ordinary Member

Reserve Member

Councillor Simon Williams

Councillor John Nickolay

100. Declarations of Interest

RESOLVED: To note that there were no declarations of interests made by Members.

101. Deputations

RESOLVED: To note that no deputations were received at this meeting.

RESOLVED ITEMS

102. Dispensations

In accordance with the Local Government (Access to Information) Act 1985, this meeting was being called with less than 5 clear working days' notice by virtue of the special circumstances and grounds for urgency stated below:-

The meeting considered applications received for dispensations in relation to staying, speaking and voting on decisions in relation to Council Tax Support if a Member is in receipt of Council Tax Benefit.

The reason for urgency was that an Extraordinary Council meeting was being held on Monday 21 January 2013 which related to Local Council Tax Support. Decisions on whether or not to grant the dispensations were therefore required before this date.

The Committee received a report of the Director of Legal and Governance Services which set out the process to be followed for granting individual dispensations. It also considered requests from two Councillors for such dispensations relating to their disclosable pecuniary interests in relation to the receipt of Council Tax benefit.

The Chairman thanked Committee Members for attending the Special Meeting of the Committee at short notice. He advised that the reason for urgency in convening the Special meeting was due to the following reasons and requested Committee Members to agree these:

- an Extraordinary Council meeting was scheduled to take place on Monday 21 January 2013 at which Localisation of Council Tax Benefits would be considered. Therefore the decision regarding whether or not to grant dispensations to the two Councillors in question would need to be taken before this date;
- the two requests for dispensations from Councillors had been received earlier that week.

A Member who objected to the meeting being called at short notice on a Friday, made the following points:

- Members had been informed of the date of Extraordinary Council in November 2012 and the two Members in question should have submitted their requests for dispensations sooner;
- not all Members were free to attend meetings on Fridays due to work commitments or religious reasons.

The Committee agreed the reasons for urgency for calling a special meeting of the Standards Committee.

The Head of Legal Practice tabled the two applications from Members seeking dispensations. The Chairman proposed that the names of the two Members in question be considered exempt information. Committee Members made the following points regarding the proposal to exclude the Councillors names from press and public:

- being granted a dispensation should not exempt Members from declaring all disclosable pecuniary interests at meetings and that this should be made clear to all Members;
- Members' interests, particularly those of a financial nature, and how these impacted on their decision making at meetings should be open to public scrutiny, otherwise this may constitute a potential conflict of interest. For example, if a Member were to vote to increase the amount of a particular grant that they were in receipt of, then this would clearly be a conflict of interest;
- at its meeting on 4 December 2012, the Committee had agreed to dispensations being granted in order to facilitate the democratic process by enabling those Members who would otherwise be required to leave the room following the declaration of a disclosable pecuniary interest, to stay, speak and vote on relevant items. However, in the interests of democracy and transparency, dispensations should be granted on the understanding that Members would continue to declare all disclosable pecuniary interests at future meetings.

A Member, who was not a Member of the Committee, stated that there was no requirement to publish the names of the two Councillors in question, particularly since the granting of dispensations to those Members in receipt of Council Housing rent rebates, housing benefit and adult social care had been delegated to the Monitoring Officer, and their names were not published. Therefore, the same criterion should apply for those Members in receipt of Council Tax Benefit. He added that, furthermore, in his view, the names of the two Councillors seeking dispensations should not be disclosed due to the sensitive nature of the interest. However, the procedure for granting dispensations in the future may require further detailed consideration by the Standards Committee. The independent person pointed out that one of the two Councillors in question had declared the interest at a previous meeting and therefore this information was already in the public domain.

A Member of the Committee stated that in the interests of democracy and transparency, all Members should declare all interests and any dispensations granted in relation to these. He suggested that going forward the Council should consider publishing a register of dispensations. The Head of Legal Practice advised that some authorities published a register of dispensations, however, currently there was no legal requirement to do so.

The Committee agreed by majority vote that the names of the two Councillors seeking dispensations be considered exempt information and that they be referred to as Councillor 1 and Councillor 2 for the purposes of the minutes.

A Member, who was not a Member of the Committee, stated that there may be additional Members who had not yet requested dispensations. These Members might declare disclosable pecuniary interests at the Extraordinary Council Meeting on 21 January 2013 and choose to abstain from voting on the issue of Council Tax discounts. This could affect the representation of different political groups at the meeting and thereby alter the likely outcome of any vote relating to the business. He added that Council Tax was an important issue that affected the entire borough and the financial position of the Council and it was vital that constituents were adequately represented in any decision making regarding it.

A Member stated that paragraphs a-e of Section 33(2) of the Localism Act and their possible impact would require further careful consideration and discussion at a future meeting of the Standards Committee.

Some Members of the Committee, who were opposed to granting the dispensations stated that, in their view, neither application fulfilled the relevant criteria as set out in paragraphs a-e of Section 33(2) of the Localism Act. Those Members in favour of granting the dispensations stated that these should be granted until the local elections in 2014.

RESOLVED: That

- (1) the dispensation for Councillor 1 be granted until the local elections in 2014, on the grounds set out in paragraphs b and e, of Section 33(2) of the Localism Act;
- (2) the dispensation for Councillor 2 be granted until the local elections in 2014, on the grounds set out in paragraphs b of Section 33(2) of the Localism Act.

(Note: The meeting, having commenced at 3.30 pm, closed at 5.00 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman