

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE  
HELD ON THURSDAY, 2 MAY 2013**

**COUNCILLORS**

**PRESENT**

Yasemin Brett, Tom Waterhouse and Chris Murphy

Lawrence Greenberg and Christine Chamberlain  
(Independent Persons)

**ABSENT**

Michael Rye OBE

**OFFICERS:**

John Austin (Assistant Director - Corporate Governance) and  
Asmat Hussain (Assistant Director Legal) Penelope Williams  
(Secretary)

**942**

**WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting.

Apologies for absence were received from Councillor Rye.

**943**

**DECLARATION OF INTERESTS**

There were no declarations of interest.

**944**

**REVIEW OF DISPENSATIONS, DISCLOSABLE PECUNIARY INTERESTS  
AND COMPLAINTS PROCEDURE**

The Committee received a report from John Austin, Assistant Director of Corporate Governance and Monitoring Officer setting out the outcome of recent discussions between the Monitoring Officer, the Assistant Director Legal Services and the Council's two independent persons in relation to dispensations, disclosable pecuniary interests, other interests, complaints procedure and terms of reference.

**NOTED**

1. John Austin reported that following a detailed discussion they had felt that it was appropriate that members should make written requests for dispensations in advance of a meeting to enable the Monitoring Officer to consider the request properly.
2. Members discussed the possibility of an urgent item coming up for which members would need to request a dispensation at a meeting. This was thought to be very unlikely to occur.

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3. The Monitoring Officer was only able to make a decision on dispensations concerning the quorum and political balance. Other requests would have to be referred to the Councillor Conduct Committee. It was proposed that the Monitoring Officer would also have to consult one of the independent persons on these matters.
4. In February the Committee had agreed blanket dispensations for decisions on the Council Tax and the Council Tax Benefit Scheme, members' allowances, business rates and housing matters and rents. Since then guidance had been received from Government that it was not necessary to grant dispensations for Council Tax and the Council Tax Benefit Scheme.
5. It was proposed that blanket exemptions be agreed for members' allowances, business rates, housing matters and rents and that these should be incorporated into the Code of Conduct.
6. Requests for dispensations had occurred very rarely in the past. It was agreed that these should continue to be the exception rather than the norm.
7. It was proposed that more guidance should be included about what is meant by family members and close associates. Mother, father and close inlaws should be added to the list in the report.
8. Further guidance would also be included on what is meant by "beneficial interest in land".
9. No further information was available in relation to other pecuniary interests. John Austin had contacted the Department for Communities and Local Government for examples but had had no response.
10. Examples of non pecuniary interests include school governor or membership of another body.
11. Members were given the opportunity to comment on the Complaints Procedure but this had not yet been used in full. John Austin had received complaints, consulted both the independent persons, notified the members and initiated an investigation in one case. The process has so far been much quicker than the previous one.
12. Changes had been proposed to the terms of reference to provide fuller information on the committee's remit.
13. It was felt that regular training on the code of conduct was essential and that members who miss code sessions ought to be contacted separately.

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14. New declaration of interest forms were being issued at present. It was felt that this would be an ideal time for a refresher briefing on the code of conduct. John Austin agreed to brief both groups at their first meetings of the municipal year.

### AGREED

1. The following recommendations in relation to dispensations as set out in paragraph 3.3 (a) and (b) of the report
  - (i) The requirement for members to submit requests in writing to the Monitoring Officer remains, with further guidance being given on the need to 'think ahead' and contact the Monitoring Officer in advance.
  - (ii) The Monitoring Officer should consult an Independent Person before making a decision in relation to quorums and political balance.
  - (iii) The standard exemptions in relation to members' allowances, business rates, plus housing matters and rents be incorporated into the Code of Conduct.
  - (iv) The advice from the Department of Communities and Local Government in relation to the setting of Council Tax or precept or local arrangements for council tax support be noted.
- 2.1 The current definition in relation to disclosable pecuniary interests should remain, with further guidance being given to members as set out in paragraph 3.4 of the report with the inclusion of parents and close inlaws in the description of family members.
- 2.2 The procedure for handling complaints against councillors and co-opted members be specifically referred to within paragraphs 19 and 20 of the Code of Conduct and attached as an appendix to that document.
- 2.3 The Committee be invited to review the complaints procedure at a future date when it had been used in full.
- 2.4 To add to the Committee's terms of reference as set out in paragraph 3.7 of the report.

### 945

#### MINUTES OF MEETING HELD ON 19 MARCH 2013

The minutes of the meeting held on 19 March 2013 were agreed as a correct record.

### 946

## **DATES OF FUTURE MEETINGS**

NOTED the dates put forward for future meetings of the Committee:

- Tuesday 25 June 2013
- Thursday 5 September 2013
- Thursday 3 December 2013
- Tuesday 25 March 2013

**947**

### **EXCLUSION OF PRESS AND PUBLIC**

**AGREED** to pass a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for the following item (Complaint Against Councillor - Update) moved from the Part 1 to Part 2 agenda on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 (information relating to an individual) of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information Variation Order 2006).

**948**

### **COMPLAINTS AGAINST COUNCILLORS**

John Austin, Assistant Director Corporate Governance updated the Committee on the complaints received.

NOTED

1. Members expressed concern about the welfare of councillors under investigation. Councillors who have been complained against are able to seek advice from the Independent Persons.
2. It was agreed that a letter advising an individual councillor of a complaint will also include, as standard practice, a paragraph advising them of the opportunity to discuss the matter with an Independent Person if they wish.

(Exempt information as defined in paragraph 1 of Schedule 12A to the Local Government Act 1972 as amended)