

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE  
HELD ON MONDAY, 28 JANUARY 2013**

**COUNCILLORS**

**PRESENT** Yasemin Brett (Chair), Tom Waterhouse and Chris Murphy

**ABSENT** Michael Rye OBE

**OFFICERS:** John Austin (Assistant Director - Corporate Governance),  
Asmat Hussain (Assistant Director Legal) and James Kinsella  
(Governance Team)

**Also Attending:** Lawrence Greenberg (Independent Person)

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**WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting.

Apologies for absence were received from Councillor Mike Rye.

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**DECLARATION OF INTERESTS**

No declarations of interest were declared in respect of items on the agenda.

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**DISPENSATIONS**

The Councillor Conduct Committee agreed, pursuant to Section 100B(4) of the Local Government Act 1972 (as amended), to consider the following as an urgent item in order to enable a decision to be made on whether to grant a dispensation in relation to the Council Tax Local Support Scheme in advance of that item being considered at the full Council meeting on 30 January 2013.

RECEIVED a report from the Director of Finance Resources and Customer Services (No.161) relating to the granting of a general dispensation for councillors on the decision due to be taken by Council (30 January 2013) on the Council Tax Local Support Scheme. At the same time the Committee was being asked to consider the need to grant a dispensation for members in relation to the forthcoming decisions on the setting of the Council Tax, housing rents and Members Allowances.

**NOTED**

1. In response to a letter sent to all members by the Assistant Director Corporate Governance, a number of councillors had advised that they may need to consider declaring a DPI in relation to the Council Tax Local

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Support Scheme due to be considered at the full Council meeting on 30 January 2013.

2. Given the need to ensure the Council meeting was able to run as effectively as possible and for a formal decision to be made on the Council Tax Support Scheme the Committee was being asked to consider the granting of a general dispensation under paragraph 31(4) of the Councillor Code of Conduct, enabling all members to participate in the discussion and vote on this item at the Council meeting. As the exact number of members who would need to declare a DPI had not yet been confirmed the dispensation being sought was on the grounds that it would be in the interests of persons living in the Borough for as many members as possible to be able to debate and decide upon the final scheme (section (c) under paragraph 31 (4) of the Code).
3. The Assistant Director Corporate Governance confirmed that approval of any dispensation on the grounds set out in 2. above would require the formal approval of the Committee, following consultation with the Independent Person, and could not be issued under his delegated authority.
4. In addition, the Committee was being asked to consider the granting of a dispensation relating to the setting of the Council Tax, housing rents and Members Allowances Scheme which were due to be considered at full Council on 27 February 2013. This was on the basis that the previous exemptions provided for members in relation to these issues had not been carried over to the new Code of Conduct legislation. The Assistant Director Corporate Governance confirmed that Section 106 of the Local Government Finance Act 1992 would still require any Member who was two or more months in arrears on their Council Tax to declare their position and not vote on any issue that could affect the calculation of the budget or Council Tax..
5. Lawrence Greenberg (Independent Person) confirmed that he had been consulted on the report. Whilst recognising the practical nature of the proposals (in relation to management of the Council meeting) he highlighted concerns regarding the granting of a general dispensation, in relation to the impact on public perception should members with a direct pecuniary interest in how the scheme would apply to them be given a general dispensation to vote on the item.
6. The concerns highlighted by Lawrence Greenberg were recognised by members of the Committee. Whilst aware of the practical need to manage the Council meeting, members felt:
  - a. it would be more appropriate for the granting of dispensations to be considered on an individual rather than general basis in relation to the Council Tax Local Support Scheme. The Assistant Director Corporate Governance advised that this would mean him only being able to grant a

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dispensation if a sufficient number of members came forward to declare DPIs and this would mean (given the numbers involved) that either:

- the transaction of business would be impeded; or
- that without a dispensation being granted, the representation of different political groups on the body (i.e. Council) conducting the business would be so upset as to alter the outcome of any vote on the matter;

If the number of DPIs was not sufficient for the above conditions to apply then it would not be possible for the Assistant Director Corporate Governance to grant a dispensation and the members with the DPI would not be able to participate in the discussion or vote on the item.

- b. that consideration of the dispensation in relation to the setting of the Council Tax, Housing Rents and Members Allowance Scheme should be considered at a separate meeting of the Committee, in advance of Council on 27 February 2013.

### **AGREED**

- (1) not to grant a general dispensation for the decision to be taken by Council on 30 January 2013 in relation to the Council Tax Local Support Scheme on the grounds that it would be in the interests of persons living in the Borough.
- (2) Following on from (1) above, that the granting of any dispensation in relation to the Council Tax Local Support Scheme be considered by the Assistant Director Corporate Governance under section (a) or (b) of para 31 (4) of the Councillor Code of Conduct dependent on the number of requests received from members and any DPIs declared at the Council meeting on 30 January 2013.
- (3) that an additional meeting of the Committee be arranged to consider the granting of a dispensation in relation to the setting of the Council Tax, Housing Rents and Members Allowance Scheme, in advance of Council on 27 February 2013.

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### **DATES OF FUTURE MEETINGS**

NOTED the dates agreed for future meetings of the committee

Thursday 14 March 2013

Thursday 2 March 2013

**AGREED** that an extra meeting of the Committee would be arranged before the Council meeting on 27 February to discuss further dispensations in relation to the setting of the Council Tax, Housing Rents and Members Allowance Scheme.