MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE HELD ON THURSDAY, 14 FEBRUARY 2013

COUNCILLORS

PRESENT   Yasemin Brett (Chair), Tom Waterhouse (Vice-Chair), Chris Murphy and Michael Rye OBE

OFFICERS: Asmat Hussain (Assistant Director Legal) and James Kinsella (Governance Team)

Also Attending: Lawrence Greenberg and Christine Chamberlain (Independent Persons)

677
WELCOME AND APOLOGIES

The Chair took the opportunity to formally welcome Christine Chamberlain to her first meeting of the Committee following her appointment as on of the Council's Independent Persons.

678
DECLARATION OF INTERESTS

None received.

679
DISPENSATIONS

RECEIVED a report from the Director of Finance Resources and Customer Services (No.165) relating to the granting of a general dispensation for councillors on the decisions due to be taken by Council (27 February 2013) in relation to the setting of the Council Tax, housing matters and rents plus members allowances.

NOTED

1.   Following on from the decision made at the previous Councillor Conduct Committee on 28 January 2013, members were being asked to consider granting a general dispensation enabling all members to participate in the discussion and vote on decisions relating to the setting of the Council Tax, Housing Rents & Members Allowances at the Council meeting on 27 February 2013.

2.   The need for the Committee to consider granting a general dispensation was on the basis that the previous specific exemptions allowing members to participate in the decision making process on these issues had not been carried over to the new Code of Conduct legislation. The Assistant Director Legal Services 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.

3. The Monitoring Officers view that it would be prudent (in view of 2. above) for a general dispensation to be granted for all members in relation to decisions on the setting of the Council Tax, Housing Rents & Members Allowances, which would apply until the next Council election in 2014.

4. The confirmation provided by the Assistant Director Legal Services that Lawrence Greenberg (Independent Person) had been consulted on the recommendations within the report and that Christine Chamberlain (as newly appointed Independent Person) would also be briefed on the advice received in relation to the exemptions for the dispensations being sought.

5. Whilst supportive of the need for the dispensation, members expressed their concern that the previous exemptions had not been included under the legislation relating to the new Code of Conduct and standards framework.

AGREED

(1) To grant the requests for dispensations in the following areas, effective until the next Council election in 2014:

(a) an allowance, payment or indemnity given to members or any ceremonial honour given to members;

(b) setting Council Tax or a precept under the Local Government Finance Act 1992, as amended from time to time or any superseding legislation.

(c) setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation.

(d) Housing matters and rents (provided that those functions do not relate particularly to the members tenancy or lease).

(2) The dispensations in **(1)** above be approved under Section 31 (4) of the Council's Councillor Code of Conduct, 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 on the issues in question.

680
COMPLAINT AGAINST A COUNCILLOR

In view of the nature of the update to be provided, which related to a complaint against an individual councillor, the Committee agreed that it would need to be considered as a Part 2 agenda item.

Members apologised to members of the press who had attended the meeting for this item on the grounds that it had been listed for consideration on the Part 1 agenda. Whilst the item had only been listed for the purpose of noting, members were advised that the potential for any more detailed discussion would require this to be considered under Part 2 of the agenda.

681
MINUTES OF THE MEETING HELD ON 17 OCTOBER 2012

AGREED that the minutes of the Councillor Conduct Committee held on 17 October 2012 be received and confirmed as a correct record.

682
DATES OF FUTURE MEETINGS

NOTED the following dates scheduled for future meetings of the Committee during the 2012/13 Municipal Year:

Thursday 14 March 2013

Thursday 2 May 2013

683
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).

684
COMPLAINT AGAINST COUNCILLOR - UPDATE

The Committee received an update from the Assistant Director Legal Services confirming:

- the receipt of two formal complaints against a councillor relating to an alleged breach of the Councillor Code of Conduct. Details of whether these had been submitted by residents within the Borough would need to be confirmed by the Assistant Director Legal Services, although members recognised that there was no restriction on where complaints could be made from;

- that consideration of the complaints by the Monitoring Officer were currently "on hold" pending confirmation of any investigation being undertaken by the police.

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