

Open

Ethics and Standards

Special Meeting

Agenda

5 pm
Monday, 12th November 2012
Civic Room
Wyre Forest House, Finepoint Way, Kidderminster



Ethics and Standards

Members of Committee:

Chairman: Councillor G W Ballinger
Vice-Chairman: Councillor D R Godwin

Councillor H E Dyke

Councillor M J Hart

Councillor N Knowles

Councillor T L Onslow

Co-opted Members, Rev J Cox, R Rynolds, R Hobson, C Noons and J Swift,

Information for Members of the Public:

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

There are particular circumstances when the Ethics and Standards Committee may exclude the public, which are in addition to those available at meetings of the Council, its Cabinet and Committees etc. These apply when the Ethics and Standards Committee considers the following:

Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000. Information which is subject to any obligation of confidentiality. Information which relates in any way to matters concerning national security.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Penny Williams, Democratic Services Manager, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732728 or email penelope.williams@wyreforestdc.gov.uk

Wyre Forest District Council

Ethics and Standards

Monday, 12th November 2012

Civic Room, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

| Agenda item | Subject | Page Number |
|--------------------|--|--------------------|
| 1. | Apologies for Absence | |
| 2. | Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Director of Community Assets & Localism, together with the name of the Councillor for whom he/she is acting. | |
| 3. | Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details. | |
| 4. | The Localism Act 2011 – Dispensations To receive a report from the Monitoring Officer asking the Committee to consider arrangements for granting dispensations and to recommend appropriate generic dispensations. | 4 |

WYRE FOREST DISTRICT COUNCIL**ETHICS AND STANDARDS COMMITTEE****12th November 2012****The Localism Act 2011 – Dispensations**

| OPEN | |
|-------------------------|------------------------------|
| DIRECTOR: | Monitoring Officer |
| CONTACT OFFICER: | Caroline Newlands, Ext. 2715 |
| APPENDICES | None |

1. PURPOSE OF REPORT

- 1.1 To ensure consideration is given to Members having appropriate dispensations in respect of issues relating to the Council decision making process
- 1.2 To consider arrangements for granting dispensations and recommend appropriate generic dispensations.

2. RECOMMENDATION**2.1 It is recommended that;**

Generic dispensations are given to all Members for a period of 4 years in respect of the matters detailed below:

1. Membership of outside bodies

A general dispensation under s33(2) (c) and (e) of the Localism Act and under the Code of Conduct to allow the full participation in Council, Committee and other meetings where members of the Council or their spouse or partner are members of or employed by one or more of the following bodies, and who because of this would or could be prevented from participating in such meetings unless a decision relates directly to their own (or spouse or partner) financial circumstances:

(a) any parish or town council.

(b) Worcestershire County Council.

(c) any other body of a public nature to which the member has been appointed as the Council's nominee or representative.

2. Addressing committees considering matters in which a member has an interest.

A general dispensation under s33(2)(c) and (e) of the Localism Act and under the Code of Conduct to allow members who would otherwise be prevented from doing so to address Council and committees in the same way as a member of the public may

[NB Such a member must still then withdraw from the meeting once they have addressed it.]

3. A general dispensation for all matters relating to council tax, the council tax discount scheme and precept setting for all councillors who have any property interests registered.
4. A general dispensation for members whose spouses are employed by another public body, unless a decision relates directly to their own financial circumstances.

3. BACKGROUND

3.1 The provisions relating to dispensations are significantly changed by the Localism Act. Formerly, a member who had a prejudicial interest could apply to the Standards Committee for a dispensation on two grounds, namely:

- That at least half of the members of a decision-making body have prejudicial interests; and
- That so many members of one political party have prejudicial interests in the matter that it will upset the result of the vote on the matter.
- The new Localism Act introduces wider criteria and empowers a relevant authority, on receipt of a written request, to grant dispensations for up to four years for a member to be able to participate in or vote at meetings where they have a disclosable pecuniary interest.

Authorities may grant dispensations if they consider that by not granting a dispensation, the business of the authority or committee is likely to be impeded; or that

- the political balance of the committee or authority is so upset as to alter the outcome of a vote; or
- that granting the dispensation is in the interests of residents; or that all members of the executive.
- Are unable to participate in business to be carried out by the executive; or that they consider it.
- Appropriate to grant a dispensation for other reason.

4. FINANCIAL IMPLICATIONS

4.1 None.

5. LEGAL AND POLICY IMPLICATIONS

5.1 The proposals are in accordance with the Localism Act 2011 and subsequent DPI regulations.

6. EQUALITY IMPACT NEEDS ASSESSMENT

6.1 The report raises no equality impact that needs considerations.

7. RISK MANAGEMENT

7.1 The Authority would not be able to conduct its business without appropriate dispensation.

8. CONSULTEES

8.1 Independent Person.

9. BACKGROUND PAPERS

9.1 Localism Act 2011