

Open

Ethics and Standards

Agenda

To be held remotely
6pm
Thursday, 10th September 2020



Ethics and Standards Committee

Members of Committee:

Chairman: Councillor S Miah
Vice-Chairman: Councillor A L L'Huillier

Councillor B S Dawes
Councillor S Griffiths

Councillor N Gale
Councillor I Hardiman

Co-opted Members: Reverend J Cox and Mr R Reynolds.

Parish Council Representative: Councillors R Drew, D Killingworth and W Mack

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.

1. The Ethics & Standards Committee meeting is open to the public except for any exempt/confidential items. These items are normally discussed at the end of the meeting. Where a meeting is held remotely, "open" means available for live or subsequent viewing.
2. Members of the public will be able to hear and see the meetings by a live stream on the Council's website:

<https://www.wyreforestdc.gov.uk/streaming.aspx>
3. This meeting is being held remotely online and will be recorded for play back. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. All streamed footage is the copyright of Wyre Forest District Council.

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 the Council's 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 Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@wyreforestdc.gov.uk

Wyre Forest District Council
Ethics and Standards Committee
Thursday, 10th September 2020

To be held remotely

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, 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.	Minutes To confirm as a correct record the Minutes of the meeting held on the 12 th September 2019.	6
5.	The Localism Act 2011 - Dispensations To receive a report from the Monitoring Officer which asks to consider arrangements for granting dispensations and recommends appropriate generic dispensations.	8
6.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

7.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act”.</p>	
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Part 2

Not open to the Press and Public

8.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
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WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

12TH SEPTEMBER 2019 (6PM)

Present:

Councillors: S Miah (Chairman), A L L'Huillier (Vice-Chairman), B S Dawes, S Griffiths, I Hardiman and K Henderson.

Independent Member: T J Hipkiss.

Co-opted Member: Mr R Reynolds.

Parish Council Representatives: Councillors R Drew and W Mack

Observers:

Councillors: C E E Edginton-White and L Whitehouse.

ES.1 Apologies for Absence

Apologies for absence were received from Councillor: N Gale, Reverend J Cox (Co-opted Member) and Parish Councillor representative D Killingworth.

ES.2 Appointment of Substitutes

Councillor K Henderson was a substitute for Councillor N Gale.

ES.3 Declarations of Interests by Members

No declarations of interest were made.

ES.4 Minutes

Decision: The minutes of the meeting held on 16th April 2018 be confirmed as a correct record and signed by the Chairman.

ES.5 Complaints to the Local Government and Social Care Ombudsman 2018/19

The Committee received a report from the Chief Executive on the outcome of complaints to the Local Government and Social Care Ombudsman in accordance with Council Policy for the period of 1st April 2018 to 31st March 2019.

The Solicitor to the Council said the report was very good news. She added that the authority had robust policies and procedures in place for dealing with complaints. She said Officers invested a lot of time in achieving a resolution at a local level.

The Solicitor to the Council assured Members that all complaints had been dealt with fairly and she had no cause for concern.

Agreed: The report be noted.

ES.6 Local Government Ethical Standards

The Committee considered a report from the Solicitor to the Council on a Review by the Committee on Standards in Public Life (CSPL) into Local Government Ethical Standards.

The Solicitor to the Council presented the report and advised Members that In January 2019 the Authority received the Review by the Committee on Standards in Public Life CSPL into Local Government Ethical Standards. The committee concluded that high standards of conduct in local government are needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Members were advised that there is also evidence of persistent or repeated misconduct by a minority of councillors, and the CSPL report records that many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment.

The Committee considered each page of the proposed draft Code of Conduct in turn, and were content that it met the CSPL best practice recommendations.

The Chairman advised that the revised Code of Conduct would be recommended to Council for adoption in December 2019.

Agreed: Delegated authority be given to the Solicitor to the Council to make appropriate changes to the Code of Conduct to reflect the CSPL Best Practice Recommendations.

There being no further business, the meeting ended at 6.23pm.

WYRE FOREST DISTRICT COUNCIL
ETHICS AND STANDARDS COMMITTEE
10TH SEPTEMBER 2020

The Localism Act 2011 - Dispensations

OPEN	
RESPONSIBLE OFFICER:	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's 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 2011 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 partners) financial circumstances:

(a) Membership of any parish or town council.

(b) Membership of Worcestershire County Council.

(c) Membership of 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 2011 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 members whose spouses are employed by a body of a public nature, unless a decision relates directly to their own financial circumstances.

3. **BACKGROUND**

3.1 Members will recall that when the Localism Act was enacted in 2011 the provisions relating to dispensations were significantly changed. 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 Localism Act introduced wider criteria and empowered 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 Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464).

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.