

Minutes of the Standards Committee

26 November, 2012, at 11.30 am
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillors Chambers, Finnegan, Tranter, Wright and Young.

Apologies: Councillor Yardley and Mr Denny.

Observers: Mr Bell, Mr Clothier and Mrs Tyler.

3/12 **Election of Chair**

Resolved that Councillor Finnegan be elected Chair of the Committee for the ensuing municipal year.

The Chair welcomed everyone to the meeting including the independent persons appointed pursuant to Section 28 of the Localism Act 2011, who would attend each meeting as observers. Those persons were Mr Fred Bell, Mr John Clothier and Mrs Rosemary Tyler.

The Committee was advised that notification had been received from Mr Topliss, former independent member on the Committee, that he would no longer be attending these meetings as he had been appointed as independent person in two other authorities.

4/12 **Minutes**

Resolved that the minutes of the meeting held on 9 January, 2012, be approved as a correct record.

Appointment of Standards Sub-Committees

The Committee was advised that the Localism Act 2011 required authorities to adopt new arrangements to deal with complaints about breaches of the member Code of Conduct. Arrangements approved by the Authority at its meeting on 25 June 2012 provided for a sub-committee of the Standards Committee to consider investigation reports referred to it by the Monitoring Officer and to conduct hearings. Two Sub-Committees would allow the workload to be shared between members of the Committee.

Reference was made to the role of the independent person and how subject members would be made aware that they could consult with the independent person.

Resolved:

- (1) that two sub committees be appointed for 2012/13, with delegated powers to carry out the functions set out in the following terms of reference and with the membership set out below:

Terms of reference

To consider investigation reports referred to it by the Monitoring Officer and to conduct hearings, including the imposition of sanctions.

Membership

Sub-Committee 1		Sub-Committee 2	
Member	Substitute	Member	Substitute
Chambers	Tranter	Tranter	Chambers
Finnegan	Young	Young	Finnegan
Wright	Yardley	Yardley	Wright

- (2) that a report be presented to the next meeting setting out the arrangements by which subject members will have access to consultation with an independent person.

Dispensations under the Localism Act 2011

The Committee was advised that the Authority on 25 June, 2012, had delegated to the Standards Committee the power to grant dispensations under Section 33 of the Localism Act 2011.

The report set out the circumstances where under the previous Code of Conduct members had been allowed exemptions to take part in decision making on certain matters although they had a prejudicial interest. The previous code had also allowed a member who had a prejudicial interest to apply to the Standards Committee for a dispensation if at least half of the members of a decision making body had a prejudicial interest in a matter; or if so many members of one political party had a prejudicial interest in a matter that it would affect the vote.

It was recommended that the Standards Committee grant a general exemption to members to allow them to deal with matters relating to members' allowances and to set the precept, even though they would have a pecuniary interest. It was also recommended that the Monitoring Officer be designated the Proper Officer to receive written requests from members for the grant of a dispensation; and that the Monitoring Officer be given power to grant dispensations where so many members of the decision making body had disclosable pecuniary interests in a matter that the body would become inquorate and unable to make a decision (ground (a) of Section 33(2) of the Localism Act 2011).

Resolved:

- (1) that general dispensation be granted to all members of the Authority from Section 31(4) of the Localism Act 2011 in respect of the following:
 - an allowance, payment, pension or indemnity given to members;
 - setting council tax or a precept under the Local Government Finance Act 1992;
- (2) that the Monitoring Officer be designated as the Proper Officer for the purposes of written requests from a member or co-opted member of the authority for the grant of a dispensation;

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- (3) that the Monitoring Officer be delegated the power to grant dispensations under ground (a) of Section 33(2) of the Localism Act 2011.

(Meeting ended at 12 pm)

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