

Standards Committee

Minutes of the meeting held on 14 January 2013

Present:

Independent Co-opted Members: Professor S Hardy – in the Chair, Mrs A Isles
City Councillors: P Andrews, M Clayton, G Evans and A Trotman

Also present as one of the Independent Persons: Mrs E Carmichael

Apologies – Councillor A Taylor, Councillor C O'Donovan (Ringway Parish Council),
Mr A Eastwood and Ms N Malik (Independent Persons)

ST/13/01 Minutes

Decision

To approve the minutes of the committee meeting held on 19 November 2012 as a correct record. In doing so the Committee noted and confirmed that the training referred to in minute ST/12/08 was to be arranged as needed, as and when complaints had arisen.

ST/13/02 Arrangements for Complaints Against Members

The Deputy Monitoring Officer provided an oral update on the handling of complaints against councillors. There were three complaints being dealt with, either under consideration or yet to be considered by one of the Independent Persons.

Decision

To note the report.

ST/13/03 Dispensations to be Granted

The Localism Act and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced "Disclosable Pecuniary Interests" and new rules on dispensations to allow Council Members to take part in or vote on matters which they would otherwise be prevented from by having a Disclosable Pecuniary Interest (DPI). The previous legislation on Members' conduct included general exemptions which stated that Members would not have a prejudicial interest in certain circumstances that potentially affected the majority or a large number of Members. The new arrangements on DPIs introduced by the Localism Act did not reproduce any of the general exemptions. It was therefore necessary to consider if comparable provision should be made under the new legislation so as to allow for decisions to be made that would involve the majority or a large number of members.

The Council had delegated to the Committee the power to grant dispensations where:

- the grant of the dispensation would be in the interests of the inhabitants of Manchester; and
- it was otherwise appropriate to grant the dispensation.

The Council had also delegated to the Monitoring Officer the power to grant dispensations in circumstances where:

- without the dispensation the number of Members prohibited from participating/voting in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; and
- without the dispensation every Member of the Executive would have a DPI prohibiting them from participating/voting in any particular business to be transacted by the Executive.

The report submitted by the Monitoring Officer advised the Committee that she was minded to exercise her delegation to grant dispensations to allow members to participate in and vote on:

- the setting of the Council Tax or a precept (and matters directly related to such decisions including the budget calculations); and
- allowances, payments and indemnities given to Members.

The Committee noted the requirement that there should be a written request by the Member before a dispensation is granted. The Monitoring Officer intended to advise all Members to submit a request through their Group Leaders or Group Secretaries for dispensation in respect of these two matters above.

However, the Monitoring Officer was seeking the views of the Committee as to:

- whether the dispensation that the Monitoring Officer proposed to grant in relation to setting the Council Tax or a precept under the Local Government Finance Act 1992 should include determining the local council tax reduction scheme and other discounts and premiums pursuant to changes made by the Local Government Finance Act 2012; and
- whether the dispensation that the Monitoring Officer proposed to grant in relation to allowances, payments or indemnities given to Members of the Council should include all allowances payable to Council Members (including special responsibility allowances) or only those applying to all or a majority of Members.

The Committee discussed these two matters. On the first the view of the Committee was that the dispensation should extend to determining the local council tax reduction scheme and other discounts and premiums. On the second the Committee felt that the dispensation should apply to all allowances payable to Council Members. In both of these the Committee felt that the dispensations should be for a period of four years.

The Monitoring Officer's report explained that under the old standards regime Members had a general dispensation in relation to interest in any function of the Council which related to "housing, where the Member was a tenant of the Council (provided that those functions did not relate particularly to the Member's own tenancy or lease)". This general dispensation no longer applied under the new arrangements and the Committee was asked to consider if a new dispensation should be granted. This was a matter for the Committee to determine as only a minority of Members were tenants of the Council. Having discussed the issues involved the Committee agreed that dispensations would be appropriate, including voting on general rent matters. However, as this was an individual and personal matter the Committee agreed that any request for a dispensation had to be made directly to the Monitoring Officer by the individual member rather than through their Group Leaders or Group Secretaries.

Also under the old standards regime, a Member with a prejudicial interest in a matter (say a planning application) was allowed to attend a public meeting of the Council or a Committee for the purpose only of making representations, answering questions or giving evidence, provided that the public were also allowed to attend the meeting for the same purpose. Under the new arrangements this was no longer allowed where there is a DPI. As a result Members were in a worse position than an ordinary member of the public. The Committee was asked to consider whether it would be appropriate to grant a dispensation to allow any Members who have a DPI to participate in a meeting in the same way as members of the public (e.g. to allow a Member who is making an application for planning permission to attend to make representations at the meeting of the Council's Planning Committee which is to hear the matter). Having discussed this, the Committee agreed would be appropriate to grant such a dispensation and felt that it would be important for members taking advantage of this dispensation to declare their interest at the public meeting prior to them making representations, answering questions or giving evidence and to make it clear that they are doing so in their individual capacity rather than their councillor role.

Decisions

1. To note the Monitoring Officer's proposal to advise all Council Members to submit a written request through their Group Leaders or Group Secretaries for the grant of a dispensation pursuant to section 33(2)(a) of the Localism Act 2011 ("the Localism Act") allowing them to participate and vote on:-
 - (i) setting the Council Tax or a precept under the Local Government Finance Act 1992 (as amended from time to time or any superseding legislation) and matters directly related to such decisions such as budget calculations.
 - (ii) Allowances, payments or indemnities given to Members of the Council.
2. To advise the Monitoring Officer that the dispensation referred to at paragraph 1(i) above, should include determining the local council tax reduction scheme and other discounts and premiums pursuant to changes made by the Local Government Finance Act 2012.

3. To advise the Monitoring Officer that the dispensation referred to at paragraph 1(ii) above should include all allowances payable to Council Members (including special responsibility allowances).
4. To advise the Monitoring Officer that the two dispensations referred to in paragraph 1 above should be for a period of four years.
5. To agree that it is appropriate for any Members of the Council who are Tenants of Manchester City Council to be granted a dispensation pursuant to section 33(2)(e) of the Localism Act to allow them to participate and to vote on matters in relation to housing (provided that those functions do not relate particularly to the tenancy or lease of the Council Member concerned). Such requests should be submitted in writing to the Monitoring Officer.
6. To agree that it is appropriate for dispensations to be granted to allow any Member of the Council who has a DPI to make representations at a meeting where members of the public have the same entitlement (e.g. to allow a Council Member who is making an application for planning permission to attend to make representations at a meeting of the Council's Planning Committee which is to hear the matter in the same way as a member of the public), and that Members be advised of the importance of declaring their interest at any meeting where this applied and making it clear that they are making representation in their personal capacity rather than in their role as a councillor. Such requests should be submitted in writing to the Monitoring Officer.