



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: 17th March 2015

My Ref:

Your Ref:

Committee:
Standards Sub-Committee

Date: Wednesday, 25 March 2015
Time: 10.00 am
Venue: Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire,
SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of Standards Sub-Committee

Vince Hunt
Chris Mellings
Stuart West

Your Committee Officer is:

Emily Marshall

Tel: 01743 252726

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Election of Chairman

To elect a Chairman for the duration of the meeting.

2 Apologies for Absence

3 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

4 Minutes (Pages 1 - 6)

To confirm the Minutes of the Meeting held on 6th March 2013 and 4th December 2013, attached marked 4.

Contact Emily Marshall (01743 252726)

5 Application for Dispensation (Pages 7 - 10)

Report of the Monitoring Officer is attached, marked 5.
Contact Claire Porter (01743 252763)

6 Application for Dispensation (Pages 11 - 14)

Report of the Monitoring Officer is attached, marked 6.
Contact Claire Porter (01743 252763)



<u>Committee and Date</u> Standards Sub-Committee
25 th March 2015
10.00 a.m.

Item
4
Public

**MINUTES OF THE STANDARDS SUB-COMMITTEE MEETING HELD ON
WEDNESDAY, 6TH MARCH 2013**
3.00 p.m. – 3.38 p.m.

Responsible Officer: Emily Marshall
e-mail: emily.marshall@shropshire.gov.uk Tel: 01743 252726

Present:

Mr R Evans, Mr V Hunt and Mrs J E Jones.

Officers Present:

Graham White (Solicitor) and Emily Marshall (Committee Officer)

1.0 ELECTION OF CHAIRMAN

1.1 RESOLVED:

That Mr V Hunt be elected Chairman of the Standards Sub-Committee for the duration of the meeting.

2.0 APOLOGIES FOR ABSENCE

2.1 None received.

3.0 DISCLOSABLE PECUNIARY INTERESTS

3.1 Members of the Committee were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

4.0 EXCLUSION OF PUBLIC AND PRESS

4.1 RESOLVED:

That in accordance with the provisions of Schedule 12A, Local Government Act 1972 and paragraph 10.4(1) of the Council's Access to Information Procedure Rules, the public and press be excluded during consideration of the following agenda item.

5.0 CODE OF CONDUCT COMPLAINT

Consideration was given to an exempt report of the Monitoring Officer in relation to an allegation that a Shropshire Councillor had failed to comply with the Code of Conduct of Shropshire Council.

The Solicitor presented the report to the Sub-Committee providing information in relation to the complaint and outlined the options available to the Sub-Committee.

The Sub-Committee Members had regard to the representations made by the Councillor in response to the allegations and decided that further action was not justified in this case and that there was insufficient evidence to suggest that any investigation might conclude that there had been a failure to comply with the Code of Conduct of Shropshire Council.

The Sub-Committee suggested that it might be appropriate to offer training and advice to Parish Council's on some of the issues raised as a result of the complaint.

RESOLVED:

The Standards Sub-Committee considered that further action was not justified in this instance.

REASONS:

Members considered that although all Councillors were required to comply with the Code of Conduct when they were acting in their capacity as Councillor, in this instance the Councillor had indicated that his request for information under the Freedom of Information Act had been made other than in his capacity as a Shropshire Councillor.

The Councillor had also provided details of his Twitter account which made it clear that although he was a Shropshire Councillor, the views he shared on that account were those of him personally and were not intended to be those of a Councillor acting in that capacity.

The Sub-Committee concluded that the Councillor was not acting in his capacity as a Councillor when requesting the information or while posting it on his Twitter account and so the Code of Conduct did not apply to him at the time of the actions attributed to him.

The Sub-Committee also considered that there was insufficient evidence to suggest that any investigation might conclude that there had been a failure to comply with the code of conduct.

Signed (Chairman)

Date:.....

**MINUTES OF THE STANDARDS SUB-COMMITTEE MEETING HELD ON
WEDNESDAY, 4TH DECEMBER 2013**
2.00 pm – 2.05 pm

Responsible Officer: Emily Marshall
e-mail: emily.marshall@shropshire.gov.uk Tel: 01743 252726

Present:

Martin Bennett, David Evans and Kevin Turley.

Officers Present:

Graham White (Solicitor) and Emily Marshall (Committee Officer)

1.0 ELECTION OF CHAIRMAN

1.1 RESOLVED:

That Martin Bennett be appointed Chairman of the Standards Sub-Committee for the duration of the meeting.

2.0 APOLOGIES FOR ABSENCE

2.1 None received.

3.0 DISCLOSABLE PECUNIARY INTERESTS

3.1 Members of the Committee were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

4.0 MINUTES

4.1 RESOLVED:

That the Minutes of the Standards Sub Committee held on 29th August 2013 be approved and signed by the Chairman as a correct record.

5.0 APPLICATIONS FOR DISPENSATION

5.1 Consideration was given to the report of the Monitoring Officer concerning whether a dispensation should be granted to Councillors Stephen Charmley and Michael Wood who have disclosable pecuniary interests in matters relating to IP&E as the Council's appointed Directors of IP&E Ltd.

5.2 Members of the Sub-Committee were in agreement that the dispensations were appropriate and beneficial to the residents of Shropshire and that the suggested time span for the dispensations was appropriate.

5.3 **RESOLVED;**

(a) That, in accordance with section 33(1) of the Localism Act ("the Act"), the Committee grants a dispensation from Section 31(4) of the Act 2011 to Councillors Stephen Charmley and Michael Wood to participate in the discussion and to vote on matters which relate to IP&E Ltd at meetings of Shropshire Council (including cabinet and any other formal decision making committees) on the grounds that it is in the interests of persons living in the Councils area.

(b) That the dispensations granted in (a) above last for a period until 04 May 2017 or such time as the disclosable pecuniary interest no longer applies, whichever is sooner.

6. **APPLICATIONS FOR DISPENSATION**

Consideration was given to the report of the Monitoring Officer concerning whether a dispensation should be granted to Councillors Keith Barrow and Mike Owen who have disclosable pecuniary interests in matters concerning IP&E Trading as the Council's appointed Directors of IP&E Trading Limited and also to Councillor Mrs Joyce Barrow who has a disclosable pecuniary interest in matters concerning IP&E Trading as her husband is one of the Council's appointed Directors of IP&E Trading Ltd.

Members of the Sub-Committee were in agreement that the dispensations were appropriate and beneficial to the residents of Shropshire and that the suggested time span for the dispensations was appropriate.

RESOLVED;

(a) That, in accordance with section 33(1) of the Localism Act ("the Act"), the Committee grants a dispensation from Section 31(4) of the Act 2011 to Councillors Keith Barrow and Mike Owen to participate in the discussion and to vote on matters which relate to IP&E Trading Ltd at meetings of Shropshire Council (including cabinet and any other formal decision making committees) on the grounds that it is in the interests of persons living in the Councils area.

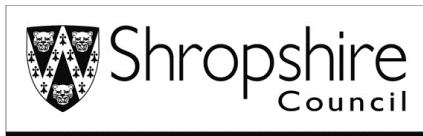
(b) That, in accordance with section 33(1) of the Localism Act ("the Act"), the Committee grants a dispensation from Section 31(4) of the Act 2011 to Councillor Mrs Joyce Barrow to participate in the discussion and to vote on matters which relate to IP&E Trading Ltd at meetings of Shropshire Council (including cabinet and any other formal decision making committees) on the grounds that it is otherwise appropriate to grant the dispensation.

(c) That the dispensation granted in (a) and (b) above last for a period until 04 May 2017 or such time as the disclosable pecuniary interest no longer applies, whichever is sooner.

Signed (Chairman)

Date:.....

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<u>Committee and date</u> Standards Sub-Committee
25th March 2015
10.00 am

<u>Item No</u>
5
Public

APPLICATION FOR DISPENSATION

Responsible Officer Claire Porter

Email: claire.porter@shropshire.gov.uk

Telephone: (01743) 252763

Summary

- i) To consider granting a dispensation to Councillors Keith Barrow and Mike Owen who have disclosable pecuniary interests in matters concerning IP&E Ltd as the Councils appointed Directors of IP&E Ltd.
- ii) To consider granting a dispensation to Councillor Mrs Joyce Barrow, who has a disclosable pecuniary interest in matters concerning IP&E Ltd as her husband is one of the Councils appointed Directors of IP&E Ltd.

Recommendations

- A. That, in accordance with section 33(1) of the Localism Act ("the Act"), the Committee grants a dispensation from Section 31(4) of the Act 2011 to Councillors Keith Barrow and Mike Owen to participate in the discussion and to vote on matters which relate to IP&E Ltd at meetings of Shropshire Council (including cabinet and any other formal decision making committees) on the grounds that it is in the interests of persons living in the Councils area.
- B. That, in accordance with section 33(1) of the Localism Act ("the Act"), the Committee grants a dispensation from Section 31(4) of the Act 2011 to Councillor Mrs Joyce Barrow to participate in the discussion and to vote on matters which relate to IP&E Ltd at meetings of Shropshire Council (including cabinet and any other formal decision making committees) on the grounds that it is otherwise appropriate to grant the dispensation.
- C. That the dispensation granted in A and B above last for a period until 04 May 2017 or such time as the disclosable pecuniary interest no longer applies, whichever is sooner.

Report

- 1 The Localism Act 2011 (S31(4)) requires that a member with a disclosable pecuniary interest in any matter discussed at a meeting may not participate in the discussion or voting on the matter. The Shropshire Council code of conduct requires also that a member with a disclosable pecuniary interest must withdraw from the room or chamber where the matter is being considered.
2. S33 of the Act sets out the circumstances in which dispensations may be granted to members with disclosable pecuniary interests as follows:

“A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

 - (a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 - (b) considers that 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,
 - (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
 - (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
 - (e) considers that it is otherwise appropriate to grant a dispensation.”
3. The Act also states that a member must submit a written request for a dispensation explaining why the dispensation is desirable. The Standards Committee has authority to decide if it is appropriate to grant the dispensation.
4. Written requests have been received from Councillors Barrow, Mrs Barrow, and Owen.
5. It may be considered to be in the interests of the people who live in the authorities area to grant the dispensation to the Councillors who are the Directors of this wholly Council owned company as without it, they will be prevented from reporting to the Council with regard to the performance of the company and from being involved in making decisions about the company which are in the interests of the Council.

6. It may be considered appropriate to grant a dispensation to Councillor Mrs Barrow as it is her husband's position with IP&E which gives rise to her Disclosable Pecuniary Interest and it would not be appropriate that she be prevented from taking part and voting on matters which relate to IP&E Ltd in the event that a dispensation is granted to her husband
7. In accordance with Paragraph 33(1) of the Localism Act 2011 a dispensation can be granted to participate and vote in all matters considered at meetings of the Council, (including cabinet and any other formal decision making committees) which affect IP&E Ltd
8. Any dispensation granted cannot cover participation in respect of the relevant business after four years from the date of dispensation.
9. The Committee needs to consider whether Councillors Barrow, Mrs Barrow, and Owen should be granted a dispensation.
10. In reaching decisions on each applicant, the Committee needs to have in mind the circumstances and nature of the item of business to be considered and the public interest in having their views represented.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

None

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998
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Environmental Appraisal

N/A

Risk Management Appraisal

The need to maintain confidence in the local democratic process.
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Community / Consultations Appraisal
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N/A

Cabinet Member

N/A

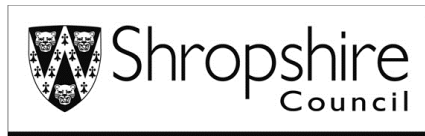
Local Member

N/A

Appendices

None

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Committee and Date
Standards Sub-Committee

25th March 2015

10.00 am

Item No

6

Public

APPLICATION FOR DISPENSATION

Responsible Officer Claire Porter

Email: claire.porter@shropshire.gov.uk

Telephone: (01743) 252763

Summary

- i) To consider granting a dispensation to Councillors Karen Calder and Michael Wood who have disclosable pecuniary interests in matters concerning IP&E (Trading) as the Councils appointed Directors of IP&E (Trading) Ltd.

Recommendations

- A. That, in accordance with section 33(1) of the Localism Act ("the Act"), the Committee grants a dispensation from Section 31(4) of the Act 2011 to Councillors Karen Calder and Michael Wood to participate in the discussion and to vote on matters which relate to IP&E (Trading) Ltd at meetings of Shropshire Council (including cabinet and any other formal decision making committees) on the grounds that it is in the interests of persons living in the Councils area.
- B. That the dispensation granted in A above last for a period until 04 May 2017 or such time as the disclosable pecuniary interest no longer applies, whichever is sooner.

Report

- 1 The Localism Act 2011 (S31(4)) requires that a member with a disclosable pecuniary interest in any matter discussed at a meeting may not participate in the discussion or voting on the matter. The Shropshire Council code of conduct requires also that a member with a disclosable pecuniary interest must withdraw from the room or chamber where the matter is being considered.

2. S33 of the Act sets out the circumstances in which dispensations may be granted to members with disclosable pecuniary interests as follows:

“A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

 - (a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 - (b) considers that 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,
 - (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
 - (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
 - (e) considers that it is otherwise appropriate to grant a dispensation.”
3. The Act also states that a member must submit a written request for a dispensation explaining why the dispensation is desirable. The Standards Committee has authority to decide if it is appropriate to grant the dispensation.
4. Written requests have been received from Councillors Karen Calder and Michael Wood.
5. It may be considered to be in the interests of the people who live in the authorities area to grant the dispensation to the Councillors who are the Directors of this wholly Council owned company as without it, they will be prevented from reporting to the Council with regard to the performance of the company and from being involved in making decisions about the company which are in the interests of the Council.
6. In accordance with Paragraph 33(1) of the Localism Act 2011 a dispensation can be granted to participate and vote in all matters considered at meetings of the Council, (including cabinet and any other formal decision making committees) which affect IP&E (Trading) Ltd
7. Any dispensation granted cannot cover participation in respect of the relevant business after four years from the date of dispensation.

8. The Committee needs to consider whether Councillors Calder and Wood should be granted a dispensation.
9. In reaching decisions on each applicant, the Committee needs to have in mind the circumstances and nature of the item of business to be considered and the public interest in having their views represented.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

None

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998

Environmental Appraisal

N/A

Risk Management Appraisal

The need to maintain confidence in the local democratic process.

Community / Consultations Appraisal

N/A

Cabinet Member

N/A

Local Member

N/A

Appendices

None

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