



**Committee:** STANDARDS COMMITTEE  
**Date:** THURSDAY, 18 JANUARY 2018  
**Venue:** LANCASTER TOWN HALL  
**Time:** 6.10 P.M.

**A G E N D A**

1. **Apologies for Absence**

2. **Minutes**

Minutes of meetings held on 9<sup>th</sup> October and 13<sup>th</sup> December 2017 (previously circulated).

3. **Items of Urgent Business authorised by the Chairman**

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

5. **Request for Dispensations under the Localism Act 2011 (Pages 1 - 3)**

Report of the Monitoring Officer

6. **Exclusion of the Press and Public**

The Committee is recommended to pass the following recommendations in relation to the following items:-

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act."

Members are reminded that, whilst the following item has been marked as exempt, it is for Committee itself to decide whether or not to consider each of them in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

7. **Summary of Complaints under the Code of Conduct** (Pages 4 - 7)

Report of the Monitoring Officer

**ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Oscar Thynne (Chairman), Roger Mace (Vice-Chairman), Jon Barry, Nathan Burns, Colin Hartley, David Whitaker and Peter Yates

**(ii) Substitute Membership**

Councillors Dave Brookes, Tracy Brown, Charlie Edwards, Nigel Goodrich and Janice Hanson

**(iii) Queries regarding this Agenda**

Please contact Liz Bateson, Democratic Services - telephone 01524 582047, or email [ebateson@lancaster.gov.uk](mailto:ebateson@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

SUSAN PARSONAGE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Wednesday 10<sup>th</sup> January 2018.

**STANDARDS COMMITTEE****Request for Dispensations under the  
Localism Act 2011  
18 January 2018****Report of the Monitoring Officer****PURPOSE OF REPORT**

This report requests a decision on granting a general dispensation to all members of Council, with disclosable pecuniary interests, to allow them to fully participate and vote in any decisions about Council Tax discounts on empty properties

**This report is public**

**RECOMMENDATIONS**

- (1) That the committee grants dispensations to all councillors under section 33 of the Localism Act.**
- (2) That the dispensations under recommendation 1 continue for a maximum of four years, or until the Constitution is amended to include the dispensation.**

**1.0 Introduction**

- 1.1 The Chief Officer (Resources) presented a report to the Council meeting on 20 December 2017 entitled "Review of Council Tax Charging Policy for Empty Homes". The recommendations in the report potentially affected the financial interests on those councillors who are landlords of privately rented properties. The report's recommendations concerned council tax discounts for empty properties. Prior to the meeting, the Monitoring Officer had written to all councillors advising that those who were landlords would potentially have a disclosable pecuniary interest under section 31 of the Localism Act 2011 and the Council's Code of Conduct. She advised that those councillors affected should declare the interest at the start of the meeting and not participate or vote on the item. A number of councillors individually declared an interest. In addition, the whole Labour Group declared an "Other Interest" under section 8(1) of the Code of Conduct, as members of the Labour Party. The Labour Party owns and rents out a residential property above the Constituency office. As a result, the meeting was not quorate for the item on the agenda and therefore the item was adjourned to the Council meeting on 31 January 2018.
- 1.2 Section 33 of the Localism Act allows the Council to grant dispensations to people with interests in order to allow them to fully participate. The grounds for such dispensations are limited, but s33 states the following grounds, which

are appropriate:

(2) 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

(c) considers that granting the dispensation is in the interests of persons living in the authority’s area, and

(e) considers that it is otherwise appropriate to grant a dispensation.

1.3 Dispensations can only continue for a maximum of four years.

**2.0 Proposal Details**

2.1 That the Committee grants the dispensations to all councillors to enable them to fully participate in the next Council meeting – and any other meetings – where the report will be discussed, as set out in recommendations 1 and 2 above.

**3.0 Details of Consultation**

3.1 The proposal to seek this dispensation was explained at the Council meeting on 20 December.

**4.0 Options and Options Analysis (including risk assessment)**

	<b>Option 1: Grant the dispensations</b>	<b>Option 2: Do not grant the dispensations</b>
Advantages	Allows all councillors to fully participate in the Council meeting and any other meetings when the issue is discussed.	None
Disadvantages	None	Impedes the Council’s ability to deal with the issue and is therefore not in the best interests of people living in the area.
Risks	There may be some slight risk of perceptions of conflict of interest because some Councillors are landlords. However, this risk is minimised by the fact that the councillors must still declare and be open about their interests at the beginning of any meetings where	Members of Council cannot take a decision on this important issue, which affects people living in the area.

	the matter is discussed.	
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**5.0 Conclusion**

5.1 It is recommended that the Committee agrees to grant the dispensations.

<p><b>CONCLUSION OF IMPACT ASSESSMENT</b>                  (including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):</p> <p>No implications</p>	
<p><b>LEGAL IMPLICATIONS</b></p> <p>The legal implications are set out in the body of the report</p>	
<p><b>FINANCIAL IMPLICATIONS</b></p> <p>No implications.</p>	
<p><b>OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:</b></p> <p>No implications.</p>	
<p><b>SECTION 151 OFFICER'S COMMENT</b></p> <p>The s151 Officer has been consulted and has no further comments.</p>	
<p><b>MONITORING OFFICER'S COMMENTS</b></p> <p>The Monitoring Officer is the author of this report</p>	
<p><b>BACKGROUND PAPERS</b></p> <p>None</p>	<p><b>Contact Officer:</b> Estelle Culligan, Chief Officer Legal and Governance  <b>Telephone:</b> 01524 582918  <b>E-mail:</b> eculligan@lancaster.gov.uk</p>

**STANDARDS COMMITTEE****Summary of Complaints under the Code of Conduct****18 January 2018****Report of the Monitoring Officer****PURPOSE OF REPORT**

This report advises the committee about the progress of current complaints and any other complaints received since the last report in September 2017.

**This report is public, however, the Appendix is exempt from publication by virtue of paragraph 1 of Schedule 12A of the Local Government Act 1972 – Information relating to an individual.**

**RECOMMENDATIONS**

(1) **That the Committee notes the report.**

**1.0 Introduction**

1.1 The Monitoring Officer provides a regular report to the Committee summarising progress on current complaints against Councillors under the Code of Conduct.

1.2 In October 2012, the Committee resolved that reports to this Committee about complaints should be exempt from publication but should identify the subject members of the complaints, for the Committee's information. In any event, the appendix to this report is exempt from publication by virtue of paragraph 1 of Schedule 12A of the Local Government Act 1972, as it contains information about individuals.

**2.0 Proposal Details**

2.1 A summary of current complaints is attached in the appendix.

**3.0 Details of Consultation**

3.1 The report has been considered by Management Team.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

None.

**LEGAL IMPLICATIONS**

None.

**FINANCIAL IMPLICATIONS**

None.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

None.

**SECTION 151 OFFICER'S COMMENT**

The s151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer is the author of this report

**BACKGROUND PAPERS**

None

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