

Open

Special Ethics and Standards Committee

Agenda

4.30pm
Wednesday, 24th February 2016
Stourport-on-Severn Room/Bewdley Room
Wyre Forest House
Finepoint Way
Kidderminster



Ethics and Standards

Members of Committee:

Chairman: Councillor J D Smith
Vice-Chairman: Councillor J R Desmond

Councillor H E Dyke
Councillor N Knowles

Councillor I Hardiman
Councillor J Phillips

Co-opted Members: Reverend J Cox and Mr R Reynolds.
Parish Council Representative: R Hobson, L Green, C Edginton-White.

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.

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

Special Ethics and Standards Committee

Wednesday, 24th February 2016

Stourport-on-Severn Room/Bewdley Room, Wyre Forest House, Finepoint Way,
Kidderminster

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.	Applications for Dispensation The Ethics and Standards Committee is asked to consider whether or not to grant a dispensation to Members to enable them to participate in the consideration of and/or vote in respect of a motion submitted under Standing Orders relating to the Housing and Planning Bill at the Council Meeting on 24 th February 2016.	5

WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS COMMITTEE

24TH FEBRUARY 2016

Applications for Dispensation

OPEN	
SOLICITOR TO THE COUNCIL	Monitoring Officer
CONTACT OFFICER	Caroline Newlands, Ext. 2715
APPENDICES	Appendix 1 - Applications for a Dispensation (to follow)

1. PURPOSE OF REPORT

- 1.1 To consider applications for a dispensation to enable Members to participate in the consideration of a motion submitted under Standing Orders relating to the Housing and Planning Bill at the Council Meeting on 24th February 2016.

2. RECOMMENDATION

- 2.1 That the Ethics and Standards Committee considers whether or not to grant a dispensation to the Members who have applied for one to enable them to participate in the consideration of and/or vote in respect of a motion submitted under Standing Orders relating to the Housing and Planning Bill at Council on 24th February 2016.**

3. KEY ISSUES

- 3.1 In accordance with Standing Order (Section 7, 4.1), the following motion has been received from Councillor J Shaw, Labour Group on the Housing and Planning Bill:

Council notes that there are 6,000 socially rented, and 5,500 privately rented, properties in Wyre Forest.

Council notes also that, of the three usual types of house tenure, owner occupied, socially rented and privately rented, it is privately rented properties which have the highest proportion of houses requiring significant repairs, or are actually unfit for human habitation.

Therefore council views with dismay the failure of an amendment to the Bill which would have required private landlords to offer for rent only those properties which are fit for human habitation.

Council considers that decent housing is a basic element of civilised living. While it acknowledges that local authorities have the power to designate homes unfit for human habitation, it considers that the law should expect private landlords to attain a “fitness for human habitation” standard in the first instance.

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Therefore, Council requests the Local Government Association to continue to make representations on this matter, even if the Bill is passed into law without this requirement.

- 3.2 The Localism Act 2011 empowers a relevant authority, on receipt of a written request, to grant dispensations for up to four years for Members to be able to participate in or vote at meetings where they have a disclosable pecuniary interest.

4. LEGAL AND POLICY IMPLICATIONS

- 4.1 The applications are in accordance with the Localism Act 2011 and Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464).

Monitoring Officer briefing to Standards Committee

Six Members have submitted written requests for a dispensation to allow them to remain in the Chamber at Council during consideration of the Motion submitted by Councillor Shaw relating to the housing and Planning Bill and set out below: -

Council notes that there are 6,000 socially rented, and 5,500 privately rented, properties in Wyre Forest.

Council notes also that, of the three usual types of house tenure, owner occupied, socially rented and privately rented, it is privately rented properties which have the highest proportion of houses requiring significant repairs, or are actually unfit for human habitation.

Therefore council views with dismay the failure of an amendment to the Bill which would have required private landlords to offer for rent only those properties which are fit for human habitation.

Council considers that decent housing is a basic element of civilised living. While it acknowledges that local authorities have the power to designate homes unfit for human habitation, it considers that the law should expect private landlords to attain a “fitness for human habitation” standard in the first instance.

Therefore, Council requests the Local Government Association to continue to make representations on this matter, even if the Bill is passed into law without this requirement.

The Members who have applied for a dispensation own properties in Wyre Forest that they rent to private tenants. Details of these properties are contained in their published declarations.

Under the Localism Act 2011 dispensations can be given on any of the following grounds : -

- without the dispensation, the number of persons who could not take part due to their dpi would be so great 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,
- granting the dispensation is in the interests of persons living in the authority's area,

Agenda Item No. 4

- without the dispensation, each executive member would be prohibited from participating in any particular business to be transacted by the authority's executive as they would have a dpi: or
- it is otherwise appropriate to grant a dispensation.

In deciding whether or not to grant a dispensation, councillors should note that the motion on the Council agenda relates to private sector rented properties in general, it does not seek to distinguish those in Wyre Forest. The motion is about the contents of the Bill, not WFDC's exercise of its powers. Supporting or opposing this motion will not result in the Members incurring an immediate direct levy, charge or discount.

Louisa Bright

Subject: Dispensation - Full Council - 24th February 2016

From: Karen Walsh
Sent: 22 February 2016 12:16
To: Caroline Newlands
Subject: Dispensation - Full Council - 24th February 2016

Dear Caroline,

I would like to formally apply to the Ethics and Standards Committee for a dispensation in respect of Motion 2 on the Council Agenda for 24th February 2016.

Kind regards

Nathan

Cllr Nathan Desmond
Cabinet Member for Resources
01562 68156

Karen Walsh
Executive Support Officer - Members
Wyre Forest District Council
01562 732708

 Please don't print this email unless you need to.

Louisa Bright

From: Louisa Bright
Sent: 23 February 2016 16:43
To: Caroline Newlands
Subject: Dispensation - Full Council - 24th February 2016

Dear Caroline,

I would like to formally apply to the Ethics and Standards Committee for a dispensation in respect of Motion 2 on the Council Agenda for 24th February 2016.

Kind regards

John

Councillor John Hart
Ward Member for Blakebrook & Habberley South

Louisa Bright
Principal Committee and Member Services Officer
Wyre Forest District Council
01562 732763



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Louisa Bright

Subject: Dispensation - Full Council - 24th February 2016

From: Karen Walsh
Sent: 22 February 2016 12:17
To: Caroline Newlands
Subject: Dispensation - Full Council - 24th February 2016

Dear Caroline,

I would like to formally apply to the Ethics and Standards Committee for a dispensation in respect of Motion 2 on the Council Agenda for 24th February 2016.

Kind regards

Marcus

Cllr. Marcus J. Hart
Leader - Wyre Forest District Council

Wyre Forest Rural Ward
Cabinet Member for Health and Well-being - Worcestershire County Council St Johns Division

e-mail marcus.hart@wyreforestdc.gov.uk (District Matters) e-mail mhart@worcestershire.gov.uk (County Matters)

Tel - 01562 - 851769 (Home)
Tel - 01562 - 732708 (Office - WFDC Karen Walsh secretary)
Tel - 01905 - 766650 (Office - WCC Lisa Banks secretary)

Karen Walsh
Executive Support Officer - Members
Wyre Forest District Council
01562 732708



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Louisa Bright

Subject: Ethics and Standards

From: EXT Nigel Knowles
Sent: 23 February 2016 10:38
To: Caroline Newlands
Subject:

Hi Caroline,

I here by ask that I be given dispensation to vote on Labours motion at Council.

Thank you, Nigel Knowles.

Louisa Bright

Subject: Ethics and Standards Committee

From: David Little
Sent: 23 February 2016 11:26
To: Caroline Newlands;
Subject: (PUBLIC RELEASE)

I would like to apply for a dispensation to be able to participate in debate in the full Council relating to motion 2 on the agenda on the 24 02 2016.regards David Little.

Louisa Bright

Subject: Dispensation - Full Council - 24th February 2016

From: Caroline Newlands
Sent: 22 February 2016 12:17
To: Karen Walsh
Cc: Louisa Bright
Subject: Dispensation - Full Council - 24th February 2016

Dear Caroline,

I would like to formally apply to the Ethics and Standards Committee for a dispensation in respect of Motion 2 on the Council Agenda for 24th February 2016.

Kind regards

Tracey Onslow

Caroline Newlands
Solicitor to the Council
Wyre Forest District Council
01562 732715