

**MINUTES OF THE CONDUCT COMMITTEE, HELD ON MONDAY 15 JULY 2013,
AT 2.30PM IN THE COUNCIL CHAMBER, THORPE ROAD, WEELEY**

Present: Councillors Stock (Chairman), Heaney (Vice-Chairman), P B Honeywood and D R Mayzes.

Also Present: Councillors Broderick, Howard and Winfield

In Attendance: Corporate Director (Public Experience) (June Clare), Democratic Services Manager (Colin Sweeney) and Legal Services Manager and Monitoring Officer (Lisa Hastings)

Also in Attendance: Linda Mackenzie (Independent Person) and John Wolton (Independent Person)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Howard (no substitute) and Nicholls (with Councillor D R Mayzes substituting).

2. MINUTES OF THE LAST MEETING

The minutes of the last meeting, held on 26 October 2012, were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest recorded.

4. REPORT OF THE MONITORING OFFICER

A.1: Request for a Dispensation

The Committee had before it a joint report by the Council's Corporate Director (Corporate Services) (Martyn Knappett) and Monitoring Officer (Lisa Hastings), asking the Committee to consider a request for a dispensation to be granted to Councillor Joy Broderick, under the Localism Act 2011, permitting her to participate at any Council meeting, in any discussion of, or in any vote, on a matter connected to the Clacton and Holland-on-Sea Coastal Defence Scheme.

The Committee also received a separate personal statement from Councillor Broderick in support of her request and this formed a supplemental paper to the agenda.

The Council's Monitoring Officer reminded Members that a report specifically on this matter had been presented to Council on 2 July 2013, when it had been agreed that a dispensation be granted to Councillor Broderick, for that meeting of the Council only, enabling her to speak and vote in relation to the matter of the Clacton and Holland-on-Sea Coastal Defence Scheme. It was also agreed by Council that consideration of the dispensation being made permanent (up until the date of the next Tendring District Council elections in 2015) be referred as a matter of urgency to the Council's Conduct Committee for full consideration.

It was reported that Councillor Broderick had a disclosable pecuniary interest (DPI), under the category of land, concerning property ownership along the seafront.

The Monitoring Officer advised Members that, under the Localism Act 2011, dispensations could be granted, in limited circumstances, if one, or more of the provisions under Section 32 applied. In this case, it was reported that the following provisions applied:

- (c) Was in the interests of persons living in the authority's area; or
- (e) Otherwise appropriate to grant a dispensation

The report set out why, in the opinion of officers, they believed the criteria of the Act was satisfied, and that it was in the interests of electors that their representatives were able to participate in discussions and vote on such an important issue as the Clacton and Holland-on-Sea Coastal Defence Scheme.

Councillors were advised that, under the Conduct Committee's terms of reference, Members should consider the comments received from the Independent Persons through consultation on the request and that four such comments had been received, all of which supported the recommendation to grant the dispensation.

The Committee was advised that a personal statement in support of her request for a dispensation had been received from Councillor Broderick, and which contained Councillor Broderick's reasons as to why the request had been made, although it did also contain Councillor Broderick's personal opinion in relation to matters concerning other councillors and their interests, which were outside the scope of determining this request, which was personal to Councillor Broderick.

The Monitoring Officer said that the Council had a duty to maintain high standards and it was felt that the request was a positive action, which looked forward towards declaration of DPIs, balanced against representing electors on important issues. Accordingly, it was recommended that a dispensation be granted to Councillor Broderick, with immediate effect, ending on 5 May 2015.

During consideration of this matter, each of the Members present on the Committee said that they felt uncomfortable in taking a decision since all of the Members represented the same political group.

It was moved by Councillor Stock and seconded by Councillor Honeywood that:

- (i) Appropriate training in respect of interests, and their proper disclosure, be offered to Councillor Broderick; and
- (ii) The making of a decision on the application for dispensation be deferred to the next meeting of the Committee, subject to the attendance at that Committee being one which reflected the political make-up of it.

The Monitoring Officer, whilst understanding Members' frustration, asked the Committee to consider whether Councillor Broderick should be disadvantaged as a result of this proposal, which was being considered due to the actions of others and not Councillor Broderick.

Having considered the advice of the Monitoring Officer, it was moved by Councillor Stock, seconded by Councillor Honeywood and **RESOLVED** that:

1. Appropriate training in respect of interests, and their proper disclosure, be offered to Councillor Broderick; and
2. The making of a decision on the application for dispensation be deferred to the next meeting of the Committee, subject to the attendance at that Committee being one which reflected the political make-up of it.

5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

6. EXCLUSION OF PRESS AND PUBLIC

It was **RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the item of business to be considered below on the grounds that it involved the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.

7. EXEMPT MINUTES OF THE LAST MEETING HELD ON 26 OCTOBER 2012

The exempt minutes of the meeting of the Conduct Committee, held on 26 October 2012, were approved as a correct record and signed by the Chairman.

The meeting was declared closed at 2.57pm.

Chairman