

**BROMSGROVE DISTRICT COUNCIL**

**AUDIT, STANDARDS AND  
GOVERNANCE COMMITTEE**

16th June 2016

**LOCALISM ACT 2011 – STANDARDS REGIME – DISPENSATIONS**

Relevant Portfolio Holder	Councillor Geoff Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	N/A

**1. SUMMARY OF PROPOSALS**

- 1.1 To consider the granting of a new Individual Member Dispensation as detailed at appendix 1 to the report, together with any additional required Individual Member Dispensations which may arise up to the point of the meeting and which, if applicable, will be detailed by Officers at the meeting; and
- 1.2 To note, for completeness, the position in relation to the previously approved change in Individual Member Dispensations for the Artrix Operating Trust (Bromsgrove Arts Centre Trust – charitable company), as also detailed at Appendix 1, together with the current status of the general dispensations previously granted by the Committee, as detailed under section 3 of the report.

**2. RECOMMENDATIONS**

The Committee is asked to **RESOLVE** that

- 1) **the new Individual Member Dispensation for Councillor Mallett, as detailed at Appendix 1 to the report, together with any additional Individual Member Dispensations advised by Officers at the meeting, be granted under section 33 (2) of the Localism Act 2011 to allow those Member(s) to participate in and vote at Council and committee meetings in the individual circumstances detailed;**
- 2) **the update to the Individual Member Dispensations in relation to the Artrix Operating Trust (Bromsgrove Arts Centre Trust – charitable company), as agreed by full Council on 18th November 2015 and as detailed at Appendix 1 to the report, be noted;**
- 3) **the position, as detailed under section 3 of the report, in relation to the previously granted general dispensations for:**
  - i) **the setting of the Budget, Council Tax and Members' Allowances;**

**AUDIT, STANDARDS AND  
GOVERNANCE COMMITTEE**

16th June 2016

- ii) allowing Members to address Council and committees in circumstances where a member of the public may elect to speak; and
- iii) the adoption of any new or updated Non-Domestic Rates – Discretionary Rate Relief Policy and Guidance affecting properties within the District

be noted;

- 4) it be noted that all dispensations granted by the Committee take effect on receipt of a written request from Members for such a dispensation and where Members may have a Disclosable Pecuniary Interest in the matter under consideration, which would otherwise preclude such participation and voting; and
- 5) it be noted that all dispensations granted, unless amended by periodic reports such as this, remain valid until the first meeting of the Audit, Standards and Governance Committee after the District Council Elections in 2019.

**3. KEY ISSUES**

**Financial Implications**

- 3.1 None.

**Legal Implications**

- 3.2 Section 33 of the Localism Act 2011 provides that Dispensations can be granted in respect of Disclosable Pecuniary Interests (“DPIs”).
- 3.3 Section 33 (1) requires that a Member must make a written request for a dispensation.
- 3.4 Section 33 (3) provides that a dispensation must specify the period for which it has effect and that period may not exceed 4 years.

**Service / Operational Implications**

- 3.5 Under s31 (4) of the Localism Act 2011 a Member who has a DPI in a matter under consideration is not permitted to participate in the discussion or vote on the matter unless s/he has first obtained a dispensation under s33.
- 3.6 Section 33 (2) includes a number of situations where a dispensation can be considered, but should be granted “only if, after having regard to all relevant circumstances” the Committee considers that one of those situations applies.

**AUDIT, STANDARDS AND  
GOVERNANCE COMMITTEE**

**16th June 2016**

---

- 3.7 The statutory grounds under s33 (2) for the granting of a dispensation are where 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 them 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.”
- 3.8 The consideration of whether to grant a dispensation under s33 was previously delegated to the former Standards Committee. In June 2015 this function transferred to the then newly established Audit, Standards and Governance Committee.
- 3.9 On 28th November 2012 (following the introduction of the new standards regime under the Localism Act 2011) the Standards Committee resolved to grant, subject to receipt of the required written request from Members, general dispensations for the setting of the Council Tax and Members’ Allowances, and also for Members’ speaking rights (i.e. those Members with a DPI who would otherwise be prevented from addressing Council and committees in circumstances where a member of the public may elect to speak).
- 3.10 On 10th October 2013 the Standards Committee granted an additional general dispensation for when Members considered the setting of the Budget.
- 3.11 On 9th January 2014 and 9th October 2014 the Standards Committee granted a number of Individual Member Dispensations based on memberships of certain outside bodies and/or their or their spouse’s/partner’s employment.
- 3.12 The dispensations referred to at paragraphs 3.9 to 3.11 were granted until the first meeting of the Standards/Audit, Standards and Governance Committee following the District Council elections in May 2015.

**AUDIT, STANDARDS AND  
GOVERNANCE COMMITTEE**

**16th June 2016**

---

- 3.13 On 16th July 2015, the Audit, Standards and Governance Committee re-granted all of the above dispensations, together with some revised Individual Member Dispensations and an additional dispensation allowing Members to participate and vote at Council and committee meetings when considering the adoption of any new or updated Non-Domestic Rates – Discretionary Rate Relief Policy Guidance affecting properties within the District.
- 3.14 Unless subsequently amended by reports such as this, all of the Individual Member Dispensations and general dispensations granted by the Committee on 16th July 2015 remain valid for a period of 4 years; until the first meeting of the Committee following the District Council elections in 2019.
- 3.15 As detailed in the Monitoring Officer's report to Committee on 10th December 2015, the County-wide Monitoring Officers' Group determined around that time that it was no longer necessary for Members to seek/be granted dispensations in relation to the Budget or Council Tax setting functions. As such, the general dispensations previously granted by the Committee in respect of those areas are no longer applicable. It should be noted however that under Section 106 of the Local Government Finance Act 1992 there is a caveat that any Member who is 2 months (or more) in arrears with their Council Tax payments cannot participate in any Council meeting concerning the budget. In the event that any Members are affected by the provisions of section 106, the statutory rule that they be barred from taking part in the budget decisions would prevail.
- 3.16 Members are asked to note that the County Monitoring Officers' Group has also agreed that general dispensations are no longer required for the consideration of Members' Allowances. As such, of the general dispensations previously granted by the Committee, only those dispensations relating to public speaking rights and Non-Domestic Rates – Discretionary Rate Relief Policy currently remain in force (until July 2019).
- 3.17 Having recently entered a new municipal year, Members have been asked to review their individual dispensations and to advise whether any changes are needed to these. At the time of preparing this report one Member had advised of a required change, details of which, together with a list of the existing Individual Member Dispensations which currently remain in force until 2019, are set out at Appendix 1 to this report.
- 3.18 Any further Independent Member Dispensation changes notified to the Monitoring Officer prior to the meeting will be updated by Officers at the meeting, together with details of any changes which might be required to Appendix 1 as a result of full Council's consideration of appointments to outside bodies on 9th June 2016.
- 3.19 It should be noted that any dispensations approved by the Committee only take effect on receipt of a written request from Members for a specific dispensation to be granted. As such, Members must ensure that they submit a written request for dispensation to the Monitoring whenever they are aware that any relevant

**AUDIT, STANDARDS AND  
GOVERNANCE COMMITTEE**

**16th June 2016**

---

business is due to be discussed/debated at meetings, in order for the required dispensation to be applied.

**Customer / Equalities and Diversity Implications**

3.20 None.

**4. RISK MANAGEMENT**

The granting of general dispensations by the Committee will, subject to receipt of a written request from Members for such a dispensation, clarify, for the avoidance of any doubt, Members' ability to participate in and vote at Council and committee meetings on certain matters as part of the Council's decision-making process.

**5. APPENDICES**

Appendix 1 - Draft table of Individual Member Dispensations.

**6. BACKGROUND PAPERS**

- Section 33 of the Localism Act 2011.
- Section 106 of the Local Government Finance Act 1992.
- Various reports to the former Standards Committee, Audit, Governance and Standards and full Council, as detailed in the report.

**AUTHOR OF REPORT**

Name: Debbie Parker-Jones

Email: d.parkerjones@bromsgroveandredditch.gov.uk

Tel: 01527 881411