

BROMSGROVE DISTRICT OR REDDITCH BOROUGH COUNCIL

Audit, Standards & Governance Committee

18th January 2018

MEMBER DISPENSATION REQUEST

Relevant Portfolio Holder	Cllr B. Cooper
Portfolio Holder Consulted	No
Relevant Head of Service	Claire Felton Head of Legal Equalities and Democratic Services
Ward(s) Affected	N/A
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	None

1. SUMMARY OF PROPOSALS

- 1.1 To consider an application from Cllr C. Hotham for a Dispensation under section 33 of the Localism Act 2011.

2. RECOMMENDATIONS

- 2.1 That the Audit, Standards and Governance Committee grant a dispensation under section 33 (2) of the Localism Act 2011 to Cllr Hotham to participate and vote as the Council's representative of the Worcestershire Health Overview and Scrutiny Committee.

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 Interest (DPIs).
- 3.3 Section 33 (1) requires that a member make a written request for a dispensation.
- 3.4 Section 33 (3) requires 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.

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- 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.
- 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 On 10th January 2018 the Monitoring Officer received a written request from Cllr Hotham asking for a Dispensation in respect of his Disclosable Pecuniary Interest arising from his spouse’s employment as a GP and Partner in the New Road Doctors Surgery in Bromsgrove to enable him to participate and vote in debates and discussions as the Council’s representative on the Health Overview and Scrutiny Committee generally.

Customer / Equalities and Diversity Implications

- 3.9 None

4. RISK MANAGEMENT

- 4.1 The granting of general dispensations by the Committee will, subject to receipt of a written request from members for such dispensation, clarify Members’ ability to participate and vote in matters as part of the Council’s decision making process.

AUTHOR OF REPORT

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