

BROMSGROVE DISTRICT COUNCIL

**Audit, Standards
and Governance Committee
2023**

14th September

**LOCALISM ACT 2011 – STANDARDS REGIME – INDIVIDUAL MEMBER
DISPENSATIONS AND OUTSIDE BODY DISPENSATIONS**

Relevant Portfolio Holder	Councillor Charlie Hotham, Portfolio Holder for Finance and Enabling
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Report Author Claire Felton	Job Title: Head of Legal, Democratic and Property Services Contact email: c.felton@bromsgroveandredditch.gov.uk
Wards Affected	N/A
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	An effective and sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 1) (any Individual Member Dispensations (IMDs) and Outside Body Appointments dispensations requested by Members up to the point of the meeting, and as advised by the Monitoring Officer 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) 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**

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3) it be noted that the dispensations referred to at resolution (1), will remain valid until the first meeting of the Audit, Standards and Governance Committee following the next District Council Elections in 2027 unless amended by the Committee prior to that date.

2. BACKGROUND

- 2.1 To consider the granting of any new Individual Member Dispensations (IMDs) requested by Members up to the point of the meeting, and which will be detailed by the Monitoring Officer at the meeting. To also consider granting Outside Body Appointment Dispensations.
- 2.2 This item follows a previous report on individual members' dispensations which was considered by the Audit, Standards and Governance Committee at a meeting held in July 2023. Since that meeting, additional queries had been made regarding granting of individual dispensations. As a result, the decision was taken to present another report on Individual Member Dispensations and Outside Body Dispensations at the September meeting of the Committee to provide new Members with time to consider whether they wished to request any outstanding Individual Member or Outside Body Dispensations. Members. Please note that any new requests need to be submitted in writing to the Monitoring Officer before the meeting on 14th September 2023 in order to be considered by the Committee.
- 2.3 Please note that Individual Member Dispensations (IMDs) and Outside Body Appointment Dispensations granted at the last meeting of the Audit, Standards and Governance Committee in July 2023 remain valid until the first meeting of the Audit, Standards and Governance Committee following the next District Council Elections in 2027 unless amended by the Committee prior to that date. The requests granted at that meeting are detailed in paragraph 3.6 of the report.
- 2.4 This report is to consider any requests submitted in writing after the last meeting of the Committee on 17th July 2023, which are set out in paragraph 3.8 of the report.

3. OPERATIONAL ISSUES

Background

- 3.1 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.
- 3.2 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. The consideration of whether to grant a dispensation under s33 was previously delegated to the former Standards Committee.
- 3.3 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

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- (e) considers that it is otherwise appropriate to grant a dispensation.”
- 3.4 Since the introduction of the current standards regime in 2012, the Audit, Standards and Governance Committee has been responsible for considering the granting of dispensations in circumstances where the Monitoring Officer feels that a dispensation may be warranted. This function was previously carried out by the former Standards Committee.
- 3.5 Dispensations, all of which require the advance approval of the Committee and a subsequent written request from the Member to the Monitoring Officer, currently fall within four categories:
- (i) General Dispensations
 - (ii) Council Tax Arrears
 - (iii) Individual Member Dispensations
 - (iv) Outside Body Appointment Dispensations
- 3.6 The table below sets out the Individual Member Dispensations and Outside Body appointment dispensations that were agreed for Members at the last meeting of the Audit, Standards and Governance Committee held in July 2023. These dispensations will apply until the next District Council elections in 2027 unless amended by the Committee prior to that date.

Councillor(s)	Relevant DPI	Reason for dispensation
S Baxter	Vice President of the National Association of Local Councils.	To allow participation in debates involving Parish Councils within the district.
S Baxter and B Kumar	President and Chair respectively of the Worcestershire	To allow participation in debates involving

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	County Association of Local Councils.	Parish Councils within the district.
B McEldowney	Chair of Bromsgrove and Redditch Area County Association of Local Councils (CALC)	To allow participation in discussions related to Parish Councils within the Bromsgrove District.
B Kumar and B McEldowney	The Artrix Holding Trust (Bromsgrove Arts Development Trust)	To allow participation in debates concerning the Artrix theatre generally but not in relation to funding issues.
S. Colella	Employee of South Staffordshire Water	To discuss potable water issues that are related to planning policies and planning matters.

3.7 In relation to Independent Member Dispensations, Officers have contacted all Members to ask whether they wish to seek to add any further dispensations.

3.8 The new Individual Member Dispensations / Outside Body Dispensations requests received prior to the publication of the agenda for this meeting of the Audit, Standards and Governance Committee are listed in the table below. The Committee is asked to consider, and if minded to do so, agree to grant the below requests. Any further requests in writing received by the Monitoring Officer after the publication of this meeting's agenda will be reported to Members at the meeting.

Councillor(s)	Relevant DPI	Reason for dispensation
D. Nicholl	The Artrix Holding Trust (Bromsgrove Arts Development Trust)	To allow participation in debates concerning the Artrix theatre generally but

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		not in relation to funding issues.
J. Robinson	Employed by National Highways	To allow participation in Planning Committee where National Highways are a consultee or an applicant.
J. Robinson	Spouse employed by Birmingham City Council	To allow participation in Planning Committee where Birmingham City Council are the applicant or a consultee.
S. Robinson	Employed by Birmingham City Council	To allow participation in Planning Committee where Birmingham City Council are the applicant or a consultee.
S. Robinson	Spouse employed by National Highways	To allow participation in Planning Committee where National Highways are a consultee or an applicant.

Explanatory Notes:

Councillor Josh Robinson is a member of Planning Committee. After joining the Council in May 2023, he changed jobs and is now working for National Highways. This creates a Disclosable Pecuniary Interest (DPI) under the category of paid employment and, on advice from the Monitoring Officer, Councillor Robinson has been declaring an interest and leaving the room for any Planning Committee reports where National Highways are a consultee. Councillor Robinson's day to day

work is related to the Dartford Crossing in Kent and he has no connections with any projects relating to Worcestershire, or to the team that respond to planning consultations.

Councillor Siobhan Robinson is a trained substitute for Planning Committee. She is employed by Birmingham City Council as a teacher at a school in Northfield. This also creates a DPI under the category of paid employment and at the Planning Committee meeting on 4th September advice was given that Cllr Siobhan Robinson could not have taken part in consideration of a planning application made by Birmingham City Council.

Officers would also point out that because Councillors Josh Robinson and Siobhan Robinson are married to each other, under the Code they both also have DPIs in the others employment. Therefore, the request for dispensations in this instance covers both their own employment and that of the other spouse as set out in the table.

- 3.9 The new Local Government Association (LGA) Model Code of Conduct was considered at the Audit, Standards and Governance Committee meeting held on 12th April 2022. It was recommended by the Committee that the Council adopt the new Model Code. The new Model Code of Conduct was subsequently presented at the Council meeting held on 18th May 2022 with Members agreeing to adopt the LGA Model Code of Conduct. As a result of this adoption Members are now required to complete an 'Other Registerable Interests' (ORI) form to declare any ORIs.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications.

5. LEGAL IMPLICATIONS

- 5.1 Section 33 of the Localism Act 2011 provides that dispensations can be granted in respect of Disclosable Pecuniary Interests ("DPIs").

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5.2 Section 33 (1) requires that a Member must make a written request for a dispensation.

5.3 Section 33 (3) provides that a dispensation must specify the period for which it has effect, and that period may not exceed 4 years.

6. OTHER - IMPLICATIONS

Relevant Strategic Purpose

6.1 The issues detailed in this report help to ensure that there is an effective and sustainable Council.

Climate Change Implications

6.2 There are no specific climate change implications.

Equalities and Diversity Implications

6.3 There are no specific equalities and diversity implications.

7. RISK MANAGEMENT

7.1 The granting of 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, where such Members have a DPI which would otherwise preclude them from so participating / voting.

8. APPENDICES and BACKGROUND PAPERS

Background Papers

- Section 33 of the Localism Act 2011.
- Section 106 of the Local Government Finance Act 1992.
- The report to the Audit, Standards and Governance Committee meeting held on 30th May 2023 on the subject of general dispensations.
- The report to the Audit, Standards and Governance Committee meeting held on 17th July 2023 on the subject of individual member dispensations.

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9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Charles Hotham	6 th September 2023
Lead Director / Head of Service	Claire Felton, Head of Legal Democratic and Property Services	6 th September 2023
Financial Services	Pete Carpenter, Interim Section 151 Officer	6 th September 2023
Legal Services	Claire Felton, Head of Legal Democratic and Property Services	6 th September 2023