

BROMSGROVE DISTRICT COUNCIL

Audit, Standards and Governance Committee
2024

7th March

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

Relevant Portfolio Holder	Councillor C. A. 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 Contact Tel: (01527) 64252
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**

- 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 previous reports to the Audit, Standards and Governance Committee, considered at meetings held on 1st June, 17th July and 14th September 2023, on the subject of Member dispensations.
- 2.3 Since then, the Monitoring Officer has received two further requests in writing for outside body dispensations from Members and these are being reported to the Audit, Standards and Governance Committee for consideration.

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
 - (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

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(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 meetings of the Audit, Standards and Governance Committee held in July and September 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 County Association of Local Councils.	To allow participation in debates involving 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, B McEldowney and D Nicoll	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.
J. Robinson	Employed by National Highways	To allow participation in Planning Committee where National Highways

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		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.

- 3.7 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
S Ammar and S Webb	Bromsgrove and Redditch Citizens Advice Bureau (CAB)	To allow participation in debates concerning the CAB generally but not in relation to funding issues

- 3.8 Further requests for dispensations may be made after the publication of the agenda for this meeting and will be reported by the Monitoring Officer for Members' consideration. Subject to approval by the Audit, Standards and Governance Committee, these dispensations will apply until the next District Council elections in 2027 unless amended by the Committee prior to that date.

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").
- 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 dispensations.
- The report to the Audit, Standards and Governance Committee held on 17th July 2023 on the subject of dispensations.
- The report to the Audit, standards and Governance Committee meeting held on 14th September 2023.

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9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Charles Hotham	27.02.2024
Lead Director / Head of Service	Claire Felton, Head of Legal Democratic and Property Services	23.02.2024
Financial Services	Pete Carpenter, Interim Section 151 Officer	23.02.2024
Legal Services	Claire Felton, Head of Legal Democratic and Property Services	23.02.2024