

REDDITCH BOROUGH COUNCIL

**Audit, Governance and Standards Committee
2023**

27th July

LOCALISM ACT 2011 – STANDARDS REGIME – DISPENSATIONS

Relevant Portfolio Holder	Councillor Luke Court
Portfolio Holder Consulted	
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
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Wards Affected	All
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 Audit, Governance and Standards 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 any new or re-granted dispensations will remain valid until the first meeting of the Audit, Governance and Standards Committee following the next Borough Council Elections in 2024.**

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 to the Audit, Standards and Governance Committee, considered at a meeting held in May 2023, on the subject of general dispensations. The decision was taken to present a report on Individual Member Dispensations and Outside Body Dispensations at the second meeting of the Committee in the municipal year to provide new Members with the time to consider whether they wished to request any Individual Member or Outside Body Dispensations.

3. OPERATIONAL ISSUES

- 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, Governance and Standards 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 have been requested in previous years by Members as well as dispensations requested by current Members prior to the publication of the agenda for this meeting. 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,

REDDITCH BOROUGH COUNCIL

**Audit, Governance and Standards Committee
2023**

27th July

Governance and Standards Committee, these dispensations will apply until the next Borough Council elections in 2024 unless amended by the Committee prior to that date.

Councillor(s)	Relevant DPI	Reason for dispensation
Councillor Joe Baker	The Redditch LGBTQ Support Services and PRIDE Committee (Other Registerable Interest - ORI)	To talk and discuss issues regarding LGBTQ community and PRIDE issues (not including funding for the LGBTQ Support Services and Pride Committee)
Councillor Matthew Dormer	Outside Body appointment and Other Registerable Interest (ORI) as a director to the Redditch Business Improvement District (BID)	To participate in discussions and decisions concerning town centre regeneration and economic development, including in respect of the Redditch BID.
Councillor Matthew Dormer	Outside Body appointment as an appointee to the West Midlands Combined Authority Board	To participate in discussions and decisions concerning town centre regeneration and economic development, including in respect of the WMCA.
Councillor Matthew Dormer	Outside Body appointment and Other Registerable Interest (ORI) as a member of Redditch Business Leaders	To participate in discussions and decisions concerning town centre regeneration and economic

		development, including in respect of Redditch Business Leaders.
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- 3.7 In relation to Independent Member Dispensations, Officers have contacted all Members to ask whether they wish to seek to add any dispensations.
- 3.8 The new Local Government Association (LGA) Model Code of Conduct was considered at the Audit, Standards and Governance Committee in April 2022. It was recommended by the Committee that the Council adopt the new Model Code, subject to a few amendments. The new Model Code of Conduct was subsequently presented at the Council meeting held in May 2022 with Members agreeing to adopt the LGA Model Code of Conduct incorporating those changes suggested by Members. As a result of this adoption Members are now required to complete an 'Other Registerable Interests' (ORI) form to declare any ORIs and Members may wish to request Individual Member Dispensations in relation to these 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").
- 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

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

REDDITCH BOROUGH COUNCIL

**Audit, Governance and Standards Committee
2023**

27th July

9. REPORT SIGN OFF

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