

REDDITCH BOROUGH COUNCIL

Audit, Governance & Standards Committee

21st September 2023

LOCALISM ACT 2011 – STANDARDS REGIME – DISPENSATIONS

Relevant Portfolio Holder	Councillor Luke Court, Portfolio Holder for Finance and Enabling
Portfolio Holder Consulted	Yes
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 new Individual Member Dispensations (IMDs) 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, be granted 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 on individual members' dispensations which was considered by the Audit, Governance and Standards Committee at a meeting held in July 2023. At that meeting, additional queries had been made regarding to granting of further individual dispensations. As a result, a decision was taken to present another report on Individual Member Dispensations and Outside Body Dispensations at the September meeting of the Committee to provide all Members with time to consider whether they wished to request any outstanding Individual Member or Outside Body Dispensations. Please note that any new requests need to be submitted in writing to the Monitoring Officer before the meeting on 21st 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, Governance and Standards Committee in July 2023 remain valid until the first meeting of the Audit, Governance and Standards Committee in the next municipal year unless amended by the Committee prior to that date. The requests granted at that meeting are detailed in paragraph 3.8 of the report
- 2.4 This report is to consider any requests submitted in writing after the last meeting of the Committee on 27th July 2023, which are set out in paragraph 3.10 of the report. Any additional requests submitted in writing to the Monitoring Officer after the publication of the report will be presented to the Committee at the meeting.

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.
- 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 the 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 The consideration of whether to grant a dispensation under s33 was previously delegated to the former Standards Committee. This function subsequently transferred to the Audit, Governance and Standards Committee. All dispensations granted are valid until the first meeting of the Audit, Governance and Standards Committee following the next applicable Borough Council elections.
- 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:

- General Dispensations
- Council Tax Arrears
- Individual Member Dispensations
- Outside Body Appointment Dispensations

3.6 It should be noted 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.

3.7 The new Local Government Association (LGA) Model Code of Conduct was considered at the Audit, Governance and Standards Committee meeting held on 14th April 2022. It was recommended by the Committee that the Council adopt the new Model Code with two amendments to the Code. This version of the Code was subsequently presented at the Council meeting held on 23rd 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.

3.8 The table below sets out the individual member dispensations that have been granted at the last meeting of the Audit, Governance and Standards Committee in July 2023. These dispensations remain valid until the first meeting of the Audit, Governance and Standards Committee meeting after the Borough Council Elections in 2024.

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)

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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.

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

3.10 The new Individual Member Dispensations / Outside Body Dispensations requests received prior to the publication of the agenda for this meeting of the Audit, Governance and Standards 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
Councillor Emma Marshall	The Redditch LGBTQ Support	To be able to speak at the Redditch

	Services and PRIDE Committee (Other Registerable Interest – ORI)	PRIDE and discuss issues regarding LGBTQ community and PRIDE issues (not including funding for the LGBTQ Support Services and Pride Committee)
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3.11 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 Officer whenever they are aware that any relevant business is due to be discussed/debated at meetings, in order for the required dispensation to then be applied.

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 (“DPs”).

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

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6.3 There are no specific equalities and diversity implications.

7. RISK MANAGEMENT

7.1 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.

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.

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Luke Court, Portfolio Holder for Finance and Enabling	13 th Sep 2023
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	13 th Sep 2023
Financial Services	Pete Carpenter, Interim Section 151 Officer	13 th Sep 2023
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	13 th Sep 2023