

# Birmingham City Council Standards Committee

5<sup>th</sup> October 2023



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**Subject:** Applications for Dispensations made to the Monitoring Officer

**Report of:** Janie Berry, City Solicitor & Monitoring Officer

**Report Writer:** Robert Connelly Assistant Director – Governance

## 1. Purpose of report:

- 1.1 To provide Standards Committee of requests for dispensations granted to Councillors pursuant to the Localism Act from February 2023 to September 2023..

## 2. Recommendations

- 2.1 To note the report

## 3. Relevant legislations and Protocols

- 3.1 In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest or Other Registerable Interest . Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.
- 3.2 Section 31(4) of the Localism Act states that dispensations may allow the Councillor:
  - (a) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
  - (b) to participate in any vote, or further vote, taken on the matter at the meeting(s).
- 3.3 If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held and may also vote.

- 3.4 If a Councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under s34 Localism Act 2011.

#### **4. Process for making a request**

- 4.1 Any Councillor who wishes to apply for a dispensation must make a request to the Monitoring Officer (or their Deputy) as soon as possible before the meeting which the dispensation is required.
- 4.2 Any request should clearly set out the grounds upon which the request is made.
- 4.3 Where possible the Monitoring Officer will consult with the Chair of the Standards Committee but where that is not possible the Monitoring Officer can grant a dispensation and will report this to the Standards Committee at its next meeting.

#### **5. Criteria**

- 5.1 A dispensation may be granted if it is considered that:
- a. without the dispensation the number of persons prohibited by Section 31(4) Localism Act 2011 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 (i.e. the meeting would be inquorate)
  - b. 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. granting the dispensation is in the interests of persons living in the Council's area without the dispensation each member of the Council's executive would be prohibited by Section 31(4) Localism Act 2011 from participating in any particular business to be transacted by the Council's executive: or
  - d. it is otherwise appropriate to grant a dispensation.
- 5.2 In addition the Monitoring Officer will take into account:
- i. the nature of the Councillor's prejudicial interest
  - ii. the need to maintain public confidence in the conduct of the Council's business
  - iii. the possible outcome of the proposed vote
  - iv. the need for efficient and effective conduct of the Council's business any other relevant circumstances.

## 6. Dispensations Requested

6.1 In consultation with the Chair of the Standards Committee the following requests for dispensations have been agreed.

Name	Dispensation requested in writing	Status	Duration	Reason
Councillor Marje Bridle	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Nicky Brennan	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Jamie Tennant	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Mariam Khan	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Katherine Iroh	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Diane Donaldson	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Mohammed Idrees	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Liz Clements	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Kath Hartley	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Zafar A Iqbal	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Basharat Mahmood	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Amar Khan	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Marcus Bernasconi	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Majid Mahmood	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership

Councillor Saddak Miah	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Mary Locke	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Raqeeb Aziz	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Lee Marsham	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Alex Aitken	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Des S Hughes	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Yvonne Mosquito	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Mahmood Hussain	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Rinkal Shergill	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Shabina Bano	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Fred Grindrod	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Mick Brown	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Rob Pocock	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor John Cotton	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Liz Clements	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Jack Deakin	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership

Councillor Lisa Trickett	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Jane E Jones	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Lauren Rainbow	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Waseem Zaffar	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Barbara Dring	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Ray Goodwin	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor David Barker	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Karen McCarthy	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Lal	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Sharon Thompson	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Miranda Perks	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Fred Grindrod	Yes	Agreed	Meeting of City Council	To participate in meeting re Equal pay as a result of Trade union membership

**6.2** Furthermore In consultation with the Chair of the Standards Committee the following requests for dispensations have been agreed by the Monitoring Officer in consultation with the Chair of Standards.

Councillor John Cotton	Yes	Agreed	Meeting of CBMC	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Sharon Thompson	Yes	Agreed	Meeting of CBMC	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Des Hughes	Yes	Agreed	Meeting of CBMC	To participate in meeting re Equal pay as a result of Trade union membership

Councillor Miranda Perks	Yes	Agreed	Meeting of CBMC	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Alex Aitken	Yes	Agreed	To participate in O&S Committee	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Jack Deakin	Yes	Agreed	To participate in O&S Committee	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Raqeeb Aziz	Yes	Agreed	To participate in O&S Committee	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Rashad Mahmood	Yes	Agreed	To participate in O&S Committee	To participate in meeting re Equal pay as a result of Trade union membership
Councillor Gareth Moore	Yes	Agreed	Meetings of H&S Overview & Scrutiny	Sits as Trustee of various charities

## **7 Financial Implications**

7.1 There are none arising from this report

## **8. Legal Implications**

8.1 There are no other legal implications other than those set out in this report.

## **9 Human Resources**

9.1 There are none arising from this report