

Birmingham City Council Meeting of City Council

5th March 2024



Subject: Applications for Dispensations made to the Monitoring Officer

Report of: Marie Rosenthal, City Solicitor & Monitoring Officer

Report Writer: Robert Connelly Assistant Director – Governance

1. Purpose of report:

- 1.1 To provide update on dispensations made pursuant to the Localism Act in respect of the meeting of Full Council on 5th March 2024 (Budget meeting).

2. Relevant legislations and Protocols

- 2.1 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.
- 2.2 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).
- 2.3 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.
- 2.4 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.

3. Criteria

3.1 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.

3.2 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.

4. Dispensations

4.1 On 5th March there is a meeting of Council to approve the budget for 2024/2025.

4.2 The City Solicitor has used her delegated powers to give dispensations in consultation with the Chair of Standards in respect of the following:

- Being a council tax payer,
- member of a Trade Union
- Relative of council employee
- A resident in the City of Birmingham

4.2 In addition the Monitoring Officer following requests for dispensations have been agreed in respect of their disclosable interests.

Councillor Mary Locke	Councillor Robert Alden	Councillor Saima Suleman	Councillor Fred Grindrod	Councillor Ray Goodwin	Councillor Gareth Moore
Councillor Roger Harmer	Councillor Mahmood Hussain	Councillor John Cotton	Councillor Phil Davis	Councillor Ewan Mackey	Councillor Rob Pocock
Councillor Kerry Jenkins	Councillor Albert Bore	Councillor Raqeeb Aziz	Councillor Liz Clements	Councillor Darius Sandhu	Councillor Adam Higgs
Councillor Matt S Bennett	Cllr Narinder Kooner	Councillor Jayne Francis	Councillor Catherine Iroh	Councillor Ken Wood	Councillor Tim Huxtable
Councillor Sharon Thompson	Councillor Lee Marsham	Councillor Karen McCarthy	Councillor Marj Bridle	Councillor Majid Mahmood	Councillor Ian Ward
Councillor Narinder Kaur Kooner	Councillor Des Hughes	Councillor Brigid Jones	Councillor Nicky Brennan	Councillor Kath Scott	Councillor David Barker
Councillor Alex Yip	Councillor Debbie Clancy	Councillor Des Hughes			