

Birmingham City Council Meeting of City Council

28 March 2024



Subject: Dispensations – Budget meeting 5th March 2024 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 maybe 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

4.3 In addition, the Monitoring Officer following requests for dispensations were agreed in respect of the Councillors disclosable interests, which are set out in the members Register of Interests.

Name	Dispensation requested in writing	Status	Duration	Reason
Councillor Mary Locke	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Member Midlands Art Council BCC rep on West Midlands Pension Fund
Councillor Robert Alden	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Partner works at BMT Receipt of income from LGA Birmingham Proof House Board member Erdington BID
Councillor Saima Suleman	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Potential interest as partner has both a Hackney Carriage and Private Hire Licence Trustee of Music Therapy Works
Councillor Fred Grindrod	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Partner works at BCC maintained school. Declared DPI as works for the NASUWT
Councillor Ray Goodwin	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Partner works at BCC (Schools) Interests in Community Assets which received BCC funding CX at Spitfire Services with BCC contract for welfare Benefit and debt advice
Councillor Gareth Moore	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Trustee CAB which holds contracts with BCC Trustee of Birmingham LGBT who receive contracts from BCC. Trustee of Sir Josiah Mason Trust – adult social care provider
Councillor Roger Harmer	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Partner works at BCC maintained school

Councillor Albert Bore	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	BCC appointee to the Board of B: Music Ltd who are in receipt of an annual grant from BCC. Board Member Colmore and Westside BIDs
Councillor Mahmood Hussain	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	NPI – daughter works at BCC maintained school
Councillor John Cotton	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Partner works at BCC and has various ORI which could potentially be impacted
Councillor Phil Davis	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Non-pecuniary interest in the following bodies to which nominated by the Council:- <ul style="list-style-type: none"> • Chamberlain Highbury Trust; • Birmingham Museums Trust;
Councillor Ewan Mackey	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Appointed by BCC to the Board of B: Music Ltd who are in receipt of an annual grant from BCC
Councillor Rob Pocock	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	BCC appointed Trustee Birmingham and Midland Institute
Councillor Kerry Jenkins	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Employment with Unite
Councillor Saima Suleman	Yes	Agreed	Budget items to be debated at the Council meeting on	Member of the board of trustees for a charitable organisation called Music Therapy Works Partner private hire driver

			28 th February	
Councillor Raqeeb Aziz	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	Parents work for AFJ Limited who receives contracts from the Council in relation to SEN school transport
Councillor Liz Clements	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Trustee of Birmingham Symphony Hall (Bcc nominee) Board observer Birmingham Opera (BCC nominee) Board Observer Ex Cathedra (BCC nominee) Regional Advisory Board member – Canal & River Trust West Midlands Trustee of Friends of Bournville Park
Councillor Darius Sandhu	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	City of Birmingham Symphony Orchestra Committee of Friends of Birmingham Museum Trust
Councillor Adam Higgs	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Sits on the board of the BMI and I am also the President of Warstock Community Centre.
Councillor Matt S Bennett	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	Board member at the Midland Arts Centre
Cllr Narinder Kooner	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Committee member of Friends of Hamstead Pavillion Director (Unpaid) of BCG Land & BCG Woods
Councillor Jayne	Yes	Agreed	Budget items to be	West Midlands Arts Trust Director Ikon Gallery

Francis			debated at the Council meeting on 5 th March	Director The rep Theatre Arts Council England Midlands area WMCA Housing & Land Delivery Board Assoc of Retained Council Housing Board member Colmore, Westside and Harborne BIDs
Councillor Karen McCarthy	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Board member Millennium Point
Councillor Catherine Iroh	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Partner works for adult Social care company
Councillor Marj Bridle	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	Castle Bromwich Hall Gardens Trust Birmingham Airport Community Trust Fund.
Councillor Ken Wood	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Board Member BVSC (BCC appointment) Board Member Birmingham Crisis Centre
Councillor Majid Mahmood	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Member of the Panyam Burial Society Member of the Castle Bromwich Halls gardens
Councillor Tim Huxtable	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Member of the Engagement Group Champion for Rail, Metro & Sprint
Councillor Sharon Thompson	Yes	Agreed	Budget items to be debated at	Member of Major Sporting Events Leadership Group

			the Council meeting on 5 th March	
Councillor Ian Ward	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Cavendish Consulting representing companies seeking land acquisitions. Birmingham and Moseley Rugby Club
Councillor Lee Marsham	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Coopted member of Bloomsbury Estate Management Board
Councillor David Barker	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Works for charity which may be impacted by budget proposals
Councillor Kath Scott	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Trustee at Disability Resource Centre Governor Birmingham Women and Childrens NHS Trust
Councillor Nicky Brennan	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Board member Southside BID
Councillor Des Hughes	Yes	Agreed	Budget items to be debated at the Council meeting on 5 th March	Trustee of Kingstanding Regeneration Trust Board member Barry Jackson Trust. BCC Representative on the Board of the Birmingham Royal Ballet

- 4.4 In accordance with the Localism Act, any request for a dispensation needs to be in writing and again will be considered by the Monitoring Officer and the Chair of the Standards Committee. A record of any dispensations granted and are held by the Monitoring Officer.
- 4.5 The Monitoring Officer is currently undertaking a review so any dispensations are easily accessible to members of the public in the same way that a summary of a members registerable interest and gifts and hospitality are

available.

5 Financial Implications

5.1 There are no financial implications arising from this report.

6. Legal Implications

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

6. Human Resources

6.1 There are none arising from this report.

7. Equalities / EIA

7.1 There are no public sector equality duties which are of relevance at this stage.

8. Implications for (or impact on) climate change and the environment

8.1 None

9. Background Documents

9.1 None