

Birmingham City Council Standards Committee

16 February 2023



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 made pursuant to the Localism Act in respect of the meeting of Full Council on 28 February (Budget meeting).

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. 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 In the case of a Disclosable Pecuniary Interest, 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.
- 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 On 28th February there is a meeting of Council to approve the budget for 2023/2024 and the following requests for dispensations have been agreed.

	Name	Dispensation requested in writing	Status	Duration	Reason
1.	Councillor Ian Ward	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	Partner works at BCC
2.	Councillor Robert Alden	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	Partner works at BCC Receipt of income from LGA
3.	Councillor Saima Suleman	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	Potential interest as partner has both a Hackney Carriage and Private Hire Licence
4.	Councillor Fred Grindrod	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	Partner works at BCC maintained school
5.	Councillor Ray Goodwin	Yes	Agreed	Budget items to be debated at the Council meeting	Partner works at BCC (Schools) Interests in Community Assets which received BCC

				on 28 th February	funding
6.	Councillor Gareth Moore	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	Trustee of various Charity organisations within the City
7.	Councillor Roger Harmer	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	Partner works at BCC maintained school
8.	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.
9.	Councillor Mahmood Hussain	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	NPI – daughter works at BCC maintained school
10.	Councillor John Cotton	Yes	Agreed	Budget items to be debated at the Council meeting on 28 th February	Partner works at BCC

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