


Sandwell Metropolitan Borough Council

16 January 2018

Subject:	Grant of Dispensations to Members
Director:	Director – Monitoring Officer
Contribution towards Vision 2030:	
Contact Officer:	Suky Suthi-Nagra Democratic Services Manager suky_suthinagra@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Council agrees:

1. That general dispensations be granted to all members of the Council under Section 33(4) of the Localism Act 2011, for a period of 4 years from the date of approval, in respect of the following: -
 - a. housing, where the member is a tenant of the authority; provided that those functions do not relate particularly to that member's tenancy or lease;
 - b. school meals or school transport and travelling expenses, where the member is a parent or guardian of a child in full time education, or is a parent governor of a school, unless it relates particularly to the school which the child attends;
 - c. an allowance, payment, pension or indemnity given to members;
 - d. any ceremonial honour given to members;

- e. setting a council tax reduction scheme for the purposes of the Local Government Finance Act 2012 (and/or all other relevant legislation);
 - f. setting council tax or a precept under the Local Government Finance Act 1992 (and/or all other relevant legislation);
 - g. setting a local scheme for the payment of business rates including eligibility for rebates and reductions for the purpose of the Finance Act 2012 (and/or all other relevant legislation).
2. That the Director - Monitoring Officer be designated as the proper officer of the authority for the purposes of determining written requests by a members or co-opted members of the authority for the grant of a dispensation made under grounds (a) and (d) of Section 33(2) the Localism Act 2011.
3. That Council be recommended to amend the Scheme of Delegations to Officers so as to authorise the Director - Monitoring Officer to grant dispensation under grounds (a) and (d) of Section 33(2) the Localism Act 2011.

1 PURPOSE OF THE REPORT

- 1.1 Approval is sought to grant dispensations under section 33 of the Localism Act 2011 (the Act) to enable the effective and efficient running of Council business.
- 1.2 It is also recommended that the Council amend the Scheme of Delegations to Officers to authorise the Director – Monitoring Officer to grant a dispensation on grounds (a) and (d) of the section 33(2) of the Localism Act 2011 only. Council has already granted delegated authority to approve dispensations on grounds (b), (c) and (e) to the Ethical Standards and Member Development Committee. (Details of section 33 are set out at paragraph 4.1).
- 1.3 The dispensations and authorisations set out in the recommendations above are the same as those previously approved by Council. The dispensations are generic dispensations deemed necessary to ensure efficient and effective decision-making by the Council.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 Dispensations help ensure effective and timely decision making which underpins the achievement of all of Sandwell's 2030 Vision.

3 STRATEGIC RESOURCE IMPLICATIONS

3.1 There are no strategic implications as a result of the proposal.

4 LEGAL AND GOVERNANCE CONSIDERATIONS

4.1 Under section 33(2) of the Localism Act 2011, a dispensation may be granted in the following circumstances:

- (a) that so many members of the decision-making body have disclosable pecuniary interests in a matter that it would “impede” the transaction of the business of that body. [In practice, this means the decision-making body would be inquorate as a result].
- (b) that without the dispensation the representation of different political groups on the body transacting the business would be such as to alter the outcome of the vote on that particular matter.
- (c) that the authority considers that the dispensation is in the interests of persons living in the authority’s area.
- (d) that without a dispensation no member of the Executive would be able to participate in a particular matter.
- (e) that the Council considers that it is “otherwise appropriate” to grant a dispensation. This is a particularly wide provision as to some extent is (c) above.

4.2 In each case when a dispensation is granted it must specify how long it is to last for – but cannot exceed a maximum of four years and the Council must consider dispensation requests “after having had regard to all relevant circumstances”.

Surjit Tour
Director – Monitoring Officer