

**AUDIT, STANDARDS AND
GOVERNANCE COMMITTEE
2025**

14th July

LOCALISM ACT 2011 – STANDARDS REGIME – DISPENSATIONS

Relevant Portfolio Holder	Councillor Karen May, Leader and Portfolio Holder for Strategic Partnerships, Economic Development and Enabling
Portfolio Holder Consulted	
Relevant Head of Service	Claire Felton, Assistant Director of Legal, Democratic and Procurement Services
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Wards Affected	All Wards
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	An effective and sustainable Council.
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 1) (any Individual Member Dispensations (IMDs) and Outside Body Appointments dispensations requested by Members up to the point of the meeting, and as advised by the Monitoring Officer at the meeting, be granted under section 33 (2) of the Localism Act 2011, to allow those Member(s) to participate in and vote at Council and Committee meetings in the individual circumstances detailed;**
- 2) the Audit, Standards and Governance Committee grant a dispensation under Section 33 (2) of the Localism Act 2011 to allow Members to address Council and Committees in circumstances where a member of the public may elect to speak;**

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- 3) subject to the caveat set out in paragraph 4.9 of this report in relation to setting the Council's Budget, the Audit, Standards and Committee grants dispensations under Section 33 (2) of the Localism Act 2011 to allow all Members to participate in and vote at Council and Committee meetings when considering the setting of:
- a) the Budget;
 - b) Council Tax;
 - c) Members' Allowances; and
 - d) Non-Domestic Rates – Discretionary Rate Relief Policy and Guidance affecting properties within the District;
- 4) it be noted that all dispensations granted by the Committee take effect on receipt of a written request from Members for such a dispensation and where Members may have a Disclosable Pecuniary Interest in the matter under consideration, which would otherwise preclude such participation and voting; and
- 5) it be noted that the dispensations referred to at resolutions (1), (2) and (3) will remain valid until the first meeting of the Audit, Standards and Governance Committee in the 2027/28 municipal year unless amended by the Committee prior to that date.

2. BACKGROUND

To consider the granting of any new Individual Member Dispensations (IMDs) requested by Members up to the point of the meeting, and which will be detailed by the Monitoring Officer at the meeting. To also consider granting General Dispensations and Outside Body Appointment Dispensations.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no specific financial implications.

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4. LEGAL IMPLICATIONS

- 4.1 Section 33 of the Localism Act 2011 provides that dispensations can be granted in respect of Disclosable Pecuniary Interests (“DPIs”).
- 4.2 Section 33 (1) requires that a Member must make a written request for a dispensation.
- 4.3 Section 33 (3) provides that a dispensation must specify the period for which it has effect, and that period may not exceed 4 years.

Service / Operational Implications

Background

- 4.4 Under s31 (4) of the Localism Act 2011 a Member who has a DPI in a matter under consideration is not permitted to participate in the discussion or vote on the matter unless they have first obtained a dispensation under s33.
- 4.5 Section 33 (2) includes a number of situations where a dispensation can be considered, but should be granted “only if, after having regard to all relevant circumstances” the Committee considers that one of those situations applies. The consideration of whether to grant a dispensation under s33 was previously delegated to the former Standards Committee.
- 4.6 The statutory grounds under s33 (2) for the granting of a dispensation are where the authority –
- “(a) considers that without the dispensation the number of persons prohibited by section 31(4) 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,
 - (b) considers that 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,

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- (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without them dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation."

4.7 Since the introduction of the current standards regime in 2012, the Audit, Standards and Governance Committee has been responsible for considering the granting of dispensations in circumstances where the Monitoring Officer feels that a dispensation may be warranted.

4.8 Dispensations, all of which require the advance approval of the Committee and a subsequent written request from the Member to the Monitoring Officer, currently fall within four categories:

- (i) General Dispensations
- (ii) Council Tax Arrears
- (iii) Individual Member Dispensations
- (iv) Outside Body Appointment Dispensations

4.9 It should be noted that under Section 106 of the Local Government Finance Act 1992 there is a caveat that any Member who is 2 months (or more) in arrears with their Council Tax payments cannot participate in any Council meeting concerning the budget. In the event that any Members were affected by the provisions of section 106, the statutory rule that they be barred from taking part in the budget decisions would prevail and any dispensation granted under this report would not apply.

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4.10 The table below sets out the IMDs and Outside Body appointment dispensations that have been requested by Members and approved by the Committee in previous years. Further requests for dispensations may be made after the publication of the agenda for this meeting and will be reported by the Monitoring Officer for Members' consideration. Subject to approval by the Audit, Standards and Governance Committee, these dispensations will apply until the first meeting of the Audit, Standards and Governance Committee meeting held in 2027/28, which would mark the fourth year after which some of the dispensations previously considered and granted were first approved.

Councillor(s)	Relevant DPI	Reason for dispensation
S Baxter	Vice President of the National Association of Local Councils.	To allow participation in debates involving Parish Councils within the district.
S Baxter and B Kumar	President and Chair respectively of the Worcestershire County Association of Local Councils.	To allow participation in debates involving Parish Councils within the district.
B McEldowney	Chair of Bromsgrove and Redditch Area County Association of Local Councils (CALC)	To allow participation in discussions related to Parish Councils within the Bromsgrove District.
A. Dale, J. Elledge, B Kumar, M. Marshall, and D Nicholl	The Artrix Holding Trust (Bromsgrove Arts Development Trust)	To allow participation in debates concerning the Artrix theatre generally but not in relation to funding issues.
S Colella	Employee of South Staffordshire Water	To discuss potable water issues that are related to planning

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		policies and planning matters.
J. Robinson	Employed by National Highways	To allow participation in Planning Committee where National Highways are a consultee or an applicant.
J. Robinson	Spouse employed by Birmingham City Council	To allow participation in Planning Committee where Birmingham City Council are the applicant or a consultee.
S. Robinson	Employed by Birmingham City Council	To allow participation in Planning Committee where Birmingham City Council are the applicant or a consultee.
S. Robinson	Spouse employed by National Highways	To allow participation in Planning Committee where National Highways are a consultee or an applicant.
S. Webb	Bromsgrove and Redditch Citizens Advice Bureau (CAB)	To allow participation in debates concerning the CAB generally but not in relation to funding issues

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- 4.11 In relation to IMDs, Officers have contacted all Members to ask whether they wish to seek to add any dispensations.
- 4.12 The following additional IMDs have been requested by Members and are presented in the table below for the consideration of the Audit, Standards and Governance Committee:

Councillor(s)	Relevant DPI	Reason for dispensation
C. Hotham	The Artrix Holding Trust (Bromsgrove Arts Development Trust)	To allow participation in debates concerning the Artrix theatre generally but not in relation to funding issues.
E. Gray	Bromsgrove and Redditch Citizens Advice Bureau (CAB)	To allow participation in debates concerning the CAB generally but not in relation to funding issues
S. Webb	Age UK North Worcestershire	To allow participation in debates concerning Age UK North Worcestershire generally but not in relation to funding issues
S. Robinson	Employed by Birmingham City Council	To allow participation in debates and to vote on matters of the Bromsgrove District Local Plan where Birmingham City Council is an applicant or a consultee.

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4.13 Members may submit further requests for new IMDs up to the day of the meeting of the Audit, Standards and Governance Committee. Any additional requests received after the publication of the agenda for the meeting has been published, will be tabled at the meeting for Members' consideration.

4.14 The Local Government Association's (LGA) new Model Code of Conduct was considered at the Audit, Standards and Governance Committee meeting held on 12th April 2022. It was recommended by the Committee that the Council adopt this Model Code. The new Model Code of Conduct was subsequently presented at the Council meeting held on 18th May 2022 with Members agreeing to adopt the LGA Model Code of Conduct. As a result of this adoption Members are now required to complete an 'Other Registerable Interests' (ORI) form to declare any ORIs.

5. COUNCIL PRIORITIES - IMPLICATIONS

Relevant Council Priorities

5.1 The issues detailed in this report help to ensure that there is an effective and sustainable Council.

Climate Change Implications

5.2 None.

6. OTHER IMPLICATIONS

Local Government Reorganisation Implications

6.1 In previous years, Members have been asked to consider approving IMD dispensations requested by Members to apply until the end of the term of office. This coincides with the four year maximum period in which dispensations can apply. However, as there is the potential that local District Council elections will not now take place in May 2027 as previously scheduled, in preparation for Local Government Reorganisation, it is suggested that instead the dispensations should

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apply until the first meeting of the Audit, Standards and Governance Committee to be held in the 2027/28 municipal year.

Equalities and Diversity Implications

6.2 There are no specific equalities and diversity implications.

Climate Change Implications

6.3 There are no specific climate change implications.

7. RISK MANAGEMENT

7.1 The granting of general dispensations by the Committee will, subject to receipt of a written request from Members for such a dispensation, clarify, for the avoidance of any doubt, Members' ability to participate in and vote at Council and Committee meetings on certain matters as part of the Council's decision-making process, where such Members have a DPI which would otherwise preclude them from so participating / voting.

8. APPENDICES and BACKGROUND PAPERS

- Section 33 of the Localism Act 2011.
- Section 106 of the Local Government Finance Act 1992.
- Previous reports to the former Standards Committee.
- Previous reports to the Audit, Standards and Governance Committee.

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Cllr Karen May	04/07/2025