

Agenda



HYNDBURN

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Standards Committee

Monday, 30 January 2017 at 6.00 pm,
Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor June Harrison
Vice-Chair: Councillor Joyce Plummer

Councillors: Kath Pratt and Jeff Scales
Altham Parish Councillors: Thomas Fearon, Anthony Hickson and Rennie Pinder
Independent Person: Patricia Higginbottom

AGENDA

1. Apologies for Absence, Declarations of Interest and Dispensations

2. Minutes of Last Meeting (*Pages 3 - 6*)

To submit the Minutes of the meeting of the Standards Committee held on 30th November 2016 for approval as a correct record.

Recommended - **That the Minutes be received and approved as a correct record.**

3. Grant of Dispensation (*Pages 7 - 12*)

To seek the granting of a dispensation to Hyndburn Borough Councillor Glen Harrison to speak and vote on the issues set out in Section 3 of the report. A copy of the application signed by Councillor Harrison is appended to the report.



Recommended

- That Standards Committee considers the request from Councillor Glen Harrison to grant a dispensation to speak and vote on the issues set out in Section 3 of the report at an Extraordinary Meeting of the Communities and Wellbeing Overview and Scrutiny Committee on 7th February 2017, and any other meeting of that Committee or meeting of Council at which the same topic is on the agenda.

STANDARDS COMMITTEE

Wednesday, 30th November, 2016

Present: Hyndburn Borough Councillors

Councillor June Harrison (in the Chair), Councillors Joyce Plummer (Vice Chair), Kath Pratt and Jeff Scales

Independent Person

Mrs. Patricia Higginbottom

1 Apologies for Absence

There were no apologies for absence.

2 Declarations of Interest and Declarations

There were no declarations of interest or dispensations.

3 Minutes of Last Meeting

The Minutes of the last meeting of the Standards Committee held on 5th October 2015 were submitted for approval as a correct record.

The Executive Director (Legal and Democratic Services) reported that Reverend John Holland had retired and left the area so there were now two independent person vacancies on the Standards Committee.

Resolved - **That the Minutes be received and approved as a correct record.**

4 Grant of Dispensations

The Executive Director (Legal and Democratic Services) submitted a report seeking the grant of dispensations to a number of Hyndburn Councillors and one Altham Parish Councillor for a period of four years to enable them to speak and vote on the following matters:-

- An allowance, payment or indemnity given to Members
- Ceremonial honours given to Members
- Setting Council Tax or a precept under the Local Government and Finance Act 1992, as amended from time to time or any superseding legislation
- Setting a local Council Tax reduction scheme for the purposes of the Local Government Finance Act 2012, as amended from time to time or any superseding legislation
- Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012, as amended from time to time and any superseding legislation

The Hyndburn Councillors were Judith Addison, Mohammad Ayub, Noordad Aziz, Jean Battle, Peter Birtcliffe, Stephen Button, Clare Cleary, Paul Cox, Munsif Dad, Bernard Dawson, Tony Dobson, Stewart Eaves, Glen Harrison, June Harrison, Stephanie Haworth, Terry Hurn, Abdul Khan, Gareth Molineux, Ken Moss, Tim O’Kane, Miles Parkinson, Kath Pratt, Jeff Scales and Paddy Short who had all applied individually for dispensation to speak and vote on the above matters. Their request forms were appended to the report.

A dispensation had already been granted to the remaining 11 Hyndburn Borough Councillors.

Altham Parish Councillor John Halstead had applied for dispensation to speak and vote in respect of the setting of a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation. The individually signed request form was appended to the report.

A dispensation to that effect had already been granted to the remaining five serving Altham Parish Councillors. Although there were seven seats in total on the Parish Council, one of the seats was currently vacant.

- Resolved**
- (1) That, as requested, a dispensation be granted to the above named Members of Hyndburn Borough Council to allow them to speak and vote on the issues set out above, the dispensation to expire after a period of four years or earlier if they ceased to be Members of the Council; and,**
 - (2) That, as requested, a dispensation be granted to Altham Parish Councillor John Halstead to allow him to speak and vote on the setting of a parish precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation. The dispensation to expire after a period of four years or earlier, if he ceased to be a Member of Altham Parish Council.**

5 Annual Ombudsman's Letter 2016

The Executive Director (Legal and Democratic Services) submitted a report relating to the Annual Local Government Ombudsman’s Letter for 2015/16 . The Letter was appended to the report

The Local Government Ombudsman had received a low level of complaints about Hyndburn which made it difficult to identify trends from the statistical information provided. The low level of complaints might however reflect good service delivery and / or a good internal complaint handling process. The Letter had not flagged up any areas of concern about either the Council’s services or its procedures for dealing with complaints.

The Executive Director reported that in 2015/16 the Local Government Ombudsman had received nine complaints about the Council and had determined eight complaints about the Council. Attention was drawn to comparisons with 2014/15 figures. Reference was made to the comparison between the Council’s position and that of neighbouring District Councils over the same period which again did not indicated any obvious cause for concern, with Hyndburn Council receiving a comparable number of complaints to its neighbours.

- Resolved**
- That the Local Government Ombudsman’s Letter be welcomed and the report be noted.**

6 Exclusion of the Public

Resolved

- That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following item, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the item.

7 Local Assessment of Complaints - Update

Exempt Information under the Local government Act 1972, Schedule 12A, Paragraph 1 - Information relating to any individual

The Executive Director (Legal and Democratic Services) verbally reported that there were currently no complaints against Councillors. Two complaints had been received since October 2016 but had not been viable complaints as they related to the Councillors' personal lives and not Council work. There were no previous complaints requiring action

Resolved

- That the verbal report be noted.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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Agenda Item 3.

REPORT TO:	Standards Committee		
DATE:	30 January 2017		
REPORT AUTHOR:	Ben Caulfield, Overview and Scrutiny Officer		
TITLE OF REPORT:	Grant of Dispensation		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To seek the granting of a dispensation to Councillor Glen Harrison

2. Recommendations

- 2.1 That Standards Committee considers the request from Councillor Glen Harrison to grant a dispensation to speak and vote on the issues set out in section 3 of this report at an Extraordinary Meeting of the Communities and Wellbeing Overview and Scrutiny Committee on 7th February 2017, and any other meeting of the Communities and Wellbeing Overview and Scrutiny Committee, or meeting of Council, at which the same topic is on the agenda.

3. Reasons for Recommendations and Background

- 3.1 The Members' Code of Conduct outlines how members must act in their capacity as a member. The code contains requirements in respect of members' disclosable pecuniary interests. These interests must be registered by members and must be declared at any meeting of Cabinet, Council or a Committee at which they arise. The code states that members cannot speak or vote on any matter in respect of which they have a disclosable pecuniary interest and that they must leave the room while the item is discussed. The categories of disclosable pecuniary interest include a members trade, profession or employment.

- 3.2 In line with this procedure, Cllr Glenn Harrison has registered his employment by Mersey Care NHS Foundation Trust (Formally Calderstones Partnership NHS Trust in the register of member's interests.

- 3.3 NHS England is formally consulting on proposals to close Calderstones (Mersey Care Whalley), England's last long-stay learning disability hospital. This is part of the consultation for the proposed redesign of learning disability and autistic spectrum disorder services in the North West.
- 3.4 The Communities and Wellbeing Overview and Scrutiny Committee have called an extraordinary meeting to review the consultation and provide a formal response to the proposals. Representatives from NHS England have been invited to attend the meeting.
- 3.5 Due to his employment, Councillor Glen Harrison has extensive knowledge of this topic and the Committee feels that his input into the meeting is vital in order to carry out a thorough scrutiny review. However, because of his employment, he has a disclosable pecuniary interest in the matter which would prevent him from speaking, voting or being present when the item is discussed.
- 3.6 The Council's Constitution allows for dispensations to be granted by Standards Committee if:
1. The number of members prohibited from taking part in the relevant business would be so great as to impede the transaction of the business; or
 2. The number of members prohibited from taking part in the relevant business would be so great as to affect the likely outcome of the vote; or
 3. The grant of the dispensation is in the interests of the people living in the Borough:
or
 4. Without the dispensation every member of the Cabinet would be prohibited from taking part in the relevant business; or
 5. It is otherwise appropriate to grant a dispensation.
- 3.7 Councillor Glen Harrison has applied for a dispensation to speak and vote on this topic at a meeting of the Communities and Wellbeing Overview and Scrutiny Committee on 10th February 2017, and any other meeting of the Communities and Wellbeing Overview and Scrutiny Committee, or meeting of Council, at which matters relating to the closure of Calderstones (Now Mersey Care Whalley) is discussed.
- 3.8 The application is attached in appendix 1.
- 3.9 Members should note the Communities and Wellbeing Overview and Scrutiny Committee have no decision making powers, but can make recommendations to Cabinet, Council, other committees or Council departments and external organisations.

4. **Alternative Options considered and Reasons for Rejection**

4.1 Standards Committee can choose to grant Councillor Harrison a dispensation to speak, speak and vote, or to grant no dispensation. Granting no dispensation may hinder an effective scrutiny review being carried out.

5. **Consultations**

5.1 Not applicable

6. **Implications**

Financial implications (including any future financial commitments for the Council)	Not applicable – none arising directly from this report.
Legal and human rights implications	These are discussed in section 3 of this report
Assessment of risk	Not applicable
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Not applicable

7. **Local Government (Access to Information) Act 1985:**
List of Background Papers

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Standards Committee
Hyndburn Borough Council
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

Dear Sir/Madam

As a Councillor of Hyndburn Borough Council, I wish to apply to Standard's Committee to speak and vote on the following topic at the meeting of the Communities and Wellbeing Overview and Scrutiny Committee on 7th February 2017, and any other meeting of the Committee or of Council at which this topic is discussed:

- Consultation for the proposed redesign of learning disability and autistic spectrum disorder services in the North West (including proposals to close low secure services at Mersey Care Whalley – Formally Calderstones).
- Other matters relating to the above

As an employee of Mersey Care NHS Foundation Trust (Calderstones was taken over by Mersey Care in 2016) I have a disclosable pecuniary interest in this topic.

The proposals to close the site at Calderstones will have an effect on residents of Hyndburn, including patients, families of patients and staff.

I feel that my in depth understanding of the subject will add value to a Scrutiny review, and therefore believe that granting a dispensation is in the interests of the people living in the Borough.

Yours Faithfully



Councillor Glen Harrison

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