

Agenda



HYNDBURN

The place to be
an excellent council

Standards Committee

Tuesday, 16 October 2018 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 Councillor Rennie Pinder
Independent Person: Patricia Higginbottom

AGENDA

1. Apologies for absence, Declarations of Interest and Dispensations

2. Minutes of Last Meeting 30th January 2017 (Pages 3 - 4)

To submit the Minutes of the meeting of the Standards Committee held on 30th January 2017 for approval as a correct record.

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

3. Grant of Dispensations (Pages 5 - 34)

To seek the granting of dispensations to a number of Members of Hyndburn Borough Council and Altham Parish Council to speak and vote on certain issues, as set out in the report. Copies of the applications signed individually by the Councillors concerned are



appended to the report.

4. Annual Ombudsman's Letter 2018 (Pages 35 - 38)

To inform the Standards Committee about the Annual Local Government Ombudsman's (LGO's) Letter for 2017/18.

Recommended - That the Standards Committee welcomes the Ombudsman's letter and notes the report.

5. Exclusion of the Public

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

6. Update on Submission of Complaints

(The report will contain exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 1 – Information relating to any individual)

To receive a verbal update on submission of complaints.

Recommended - That the verbal report be noted.

STANDARDS COMMITTEE

Monday, 30th January, 2017

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

Apologies Altham Parish Councillors Thomas Fearon, Anthony Hickson and Rennie Pinder.

Mrs. Patricia Higginbottom (Independent Person)

334 Apologies for Absence, Declarations of Interest and Dispensations

Apologies for absence were submitted from Altham Parish Councillors Thomas Fearon, Anthony Hickson and Rennie Pinder and from Mrs. Patricia Higginbottom (Independent Person).

There were no declarations of interest.

335 Minutes of Last Meeting

The Minutes of the last meeting of the Standards Committee held on 30th November 2016 were submitted for approval as a correct record.

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

336 Grant of Dispensation

The Executive Director (Legal and Democratic Services) submitted a report seeking the grant of a dispensation to Hyndburn Borough Councillor Glen Harrison for a period of four years to enable him to speak and vote on the issues set out in Section 3 of the report at an Extra-ordinary 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 was on the agenda. Councillor Harrison had applied for the dispensation and his request form was appended to the report. As an employee of Mersey Care NHS Foundation Trust (formally Calderstones Partnership NHS Trust), Councillor Harrison had a disclosable pecuniary interest in the matter which would prevent him from speaking, voting or being present when the item was discussed by the Communities and Wellbeing Overview and Scrutiny Committee or Council.

Resolved

- That a dispensation to speak only and not vote, be granted to Councillor Glen Harrison to allow him to speak at a 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 topic of the closure of Calderstones and the Mersey Care NHS Foundation Trust proposals was discussed (as set out in Section 3 of the report). The dispensation to expire after a period of four years or earlier if he ceased to be a Member of the Council.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

Agenda Item 3.

REPORT TO:		Standards Committee	
DATE:		Tuesday, 16 October 2018	
PORTFOLIO:		Options	
REPORT AUTHOR:		Jane Ellis, Executive Director (Legal & Democratic Services)	
TITLE OF REPORT:		Grant of Dispensations	
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 dispensations to a number of Hyndburn Councillors and five Altham Parish Councillors, to vote on certain issues (see Section 3 of the report).

2. Recommendations

- 2.1 That Standards Committee considers the requests from Hyndburn Borough Council members to grant dispensations to speak and vote on the issues set out in Section 3.2 of the report.
- 2.2 That Standards Committee considers the request from Altham Parish Councillors Thomas Fearon, Anthony Hickson, Christine Lingard, Rennie Pinder and Joseph Threlfall to grant a dispensation to speak and vote on the issues set out in Section 3.4 of the report.

3. Reasons for Recommendations and Background

- 3.1 In June 2012, Hyndburn Borough Council and Altham Parish Council each adopted a new Code of Conduct following the introduction of the new standards regime under the Localism Act 2011. Unlike the previous codes, the new Codes do not expressly enable Councillors to speak and vote on a number of specific issues where a large number would have an interest, e.g. setting the Council Tax. Therefore, Standards Committee will need to consider granting dispensations on those issues where legislation does not specifically allow Hyndburn and Altham Parish Councillors to speak and vote.

- 3.2 Hyndburn Councillors Josh Allen, Sara Britcliffe, Andrew Clegg, Marlene Haworth, Michael Miller, Jenny Molineux, Dave Parkins, Bernadette Parkinson and Joyce Plummer have applied individually for dispensation to speak and vote on the following matters and their request forms are attached:-
- An allowance, payment or indemnity given to Members; and
 - Ceremonial honours given to Members; and
 - 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
- 3.3 A dispensation in the above terms has already been granted to the remaining 21 Hyndburn Borough Councillors.
- 3.4 Similarly, legislation is silent on the issue of Parish Councillors being able to speak and vote on the setting of a parish precept even though most, if not all of them, could have an interest in the decision as local residents. Parish Councillors Thomas Fearon, Anthony Hickson, Christine Lingard, Rennie Pinder and Joseph Threlfall have now 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 forms are attached. A dispensation to this effect has already been granted to one of the remaining Altham Parish Councillors.
- 3.5 The Government takes the view that a dispensation is unnecessary in these circumstances and that councillors do not have a disclosable pecuniary interest in decisions relating to the setting of council tax levels. The matter has not been decided by a court however and there is scope to argue that Hyndburn Borough Council and Altham Parish Councillors do potentially have a disclosable pecuniary interest when making decisions of this type as they reside in the Borough / Parish and would be required to pay any new level of council tax or precept. However, legal grounds exist to grant the requested dispensations pursuant to the Localism Act 2011.
- 3.6 Standards Committee needs to decide whether to grant dispensations to allow each Councillor to speak and vote on the relevant issues.
- 3.7 If granted, the dispensation will last for four years. Committee may grant a dispensation to speak only or may grant a dispensation to speak and vote. A dispensation can be granted if Committee is satisfied on any of the following grounds:
- The number of members prevented from speaking or voting would be so great as to “impede the transaction of business”; or

- The political balance at the relevant meeting would otherwise be sufficiently affected as to alter the likely outcome of the vote; or
- The dispensation is in the interests of people living in the area; or
- All the members of the Cabinet are affected by the interest; or it is otherwise appropriate to grant the dispensation.

4. Alternative Options considered and Reasons for Rejection

4.1 Not applicable.

5. Consultations

5.1 None required.

6. Implications

Financial implications (including any future financial commitments for the Council)	None.
Legal and human rights implications	The legal requirements are discussed in Section 3 above.
Assessment of risk	No risks identified.
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**

7.1 None.

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

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ALTHAM PARISH COUNCIL

REQUEST FOR DISPENSATION

We, the undersigned, request the grant of a dispensation to speak and vote at meetings of Altham Parish Council on any issue relating to the setting of a precept under the Local Government and Finance Act 1992, as amended from time to time, or any superseding legislation. We further request that the dispensation be granted for four years.

Name: Councillor Tom Fearon

Signature: 

Date: 1/8/18

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ALTHAM PARISH COUNCIL

REQUEST FOR DISPENSATION

We, the undersigned, request the grant of a dispensation to speak and vote at meetings of Altham Parish Council on any issue relating to the setting of a precept under the Local Government and Finance Act 1992, as amended from time to time, or any superseding legislation. We further request that the dispensation be granted for four years.

Name: Councillor Anthony Hickson

Signature: 

Date: 10.8.18

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ALTHAM PARISH COUNCIL

REQUEST FOR DISPENSATION

We, the undersigned, request the grant of a dispensation to speak and vote at meetings of Altham Parish Council on any issue relating to the setting of a precept under the Local Government and Finance Act 1992, as amended from time to time, or any superseding legislation. We further request that the dispensation be granted for four years.

Name: Councillor Christine Lingard

Signature: 

Date: 1-8-2018

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ALTHAM PARISH COUNCIL

REQUEST FOR DISPENSATION

We, the undersigned, request the grant of a dispensation to speak and vote at meetings of Altham Parish Council on any issue relating to the setting of a precept under the Local Government and Finance Act 1992, as amended from time to time, or any superseding legislation. We further request that the dispensation be granted for four years.

Name: Councillor Rennie Pinder

Signature: *[Handwritten signature of Rennie Pinder]*

Date: *15.3.18*

Name: Councillor Joseph Threlfall

Signature: *[Handwritten signature of Joseph Threlfall]*

Date: *15.3.18*

Name: Councillor Mervyn Wilding

Signature:

Date:

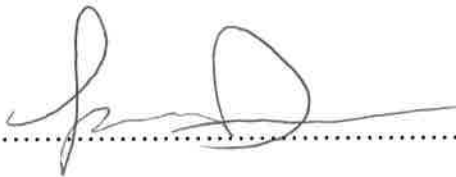
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Please return to Monica Bell, Senior Democratic Services Officer

As a Councillor of Hyndburn Borough Council, I wish to apply to the Standards Committee for dispensation to speak and vote on the following matters:-

- An allowance, payment or indemnity given to members; and,
- Ceremonial honours given to members; and,
- 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

Signed: Councillor



Date:

11/5/18

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Signed:

Councillor

Sara Britcliffe

Date:

08/05/18

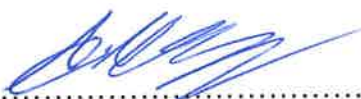
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Signed: Councillor



Date:

8/5/18

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Signed: Councillor

Harlene Haworth

Date:

8.5.18

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Signed: Councillor



Date:



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Jerry Maloney

Please return to Monica Bell, Senior Democratic Services Officer

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Signed: Councillor

JC Maloney

Date:

17/5/2018

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Signed:

Councillor



Date:

9.5.18

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Signed: Councillor B. Parkin

Date: 17-5-2018

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Please return to Monica Bell, Senior Democratic Services Officer

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Signed: Councillor

J. N. Plummer

Date:

19th May 2018.

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Report to: Standards Committee

Date: Tuesday 16th October 2018

Report Author: Executive Director (Legal & Democratic Services)

Title of Report: Annual Ombudsman's Letter 2017/18

1. Purpose of Report

- 1.1 This report informs Committee about the annual Local Government Ombudsman's (LGO's) letter for 2017/18

2. Recommendations

- 2.1 That Committee welcomes the Ombudsman's letter and notes this report.

3. Background and Reasons for Recommendations

- 3.1 The LGO has now published its annual complaint figures in respect of each local authority.
- 3.2 The LGO receives a low level of complaints about Hyndburn, which makes it difficult to identify trends from the statistical information provided. The low level of complaints may however reflect good service delivery and / or a good internal complaint handling process.
- 3.3 In summary, in 2017/18 the LGO received 14 complaints about the Council. The table below shows the service areas to which the complaints related and compares this to the position in 2016/17 when 6 complaints were received:

2017/18			2016/17	
Benefits and Council Tax	1		Benefits and Council Tax	0
Environmental Services	4		Environmental Services	2
Housing	2		Housing	1
Planning	7		Planning	2
Corporate Services	0		Corporate Services	1
Total	14		Total	6

- 3.4 During this period the LGO also determined 11 complaints about the Council. Details are set out in the table below, which also compares this to the position in 2016/17 when 7 complaints were determined:

2017/18			2016/17	
Complaint not upheld	3		Complaint not upheld	0
Sent back to HBC	6		Sent back to HBC	3
Closed after initial enquiry	2		Closed after initial enquiry	3
Upheld	0		Upheld	1
Total	11		Total	7

Complaints will usually be referred back to the Council for resolution because the complaint to the Ombudsman was made before the complainant had been through the Council's own complaints procedure.

- 3.5 Most importantly, the Ombudsman's letter does not flag up any areas of concern about either the Council's services or its procedures for dealing with complaints.
- 3.6 The table below shows a comparison between the Council's position and that of neighbouring District Councils over the same period. This exercise also does not indicate any obvious cause for concern in respect of the Council, with Hyndburn receiving a comparable number of complaints to its neighbours:

Council	Complaints received	Complaints decided	Complaints upheld after detailed investigation
Hyndburn	14	11	0
Burnley	5	5	1
Pendle	17	17	2
Rossendale	12	12	2
Ribble Valley	7	6	1

4. Alternative Options considered and Reasons for Rejection

- 4.1 None. This is a report for information.

5. Implications

Issue	Comments
Financial (including mainstreaming)	No costs identified.
Legal	No issues identified. The Ombudsman's letter gives an indication of the Council's approach to dealing with complaints. A fair and open complaint handling process is one indicator of the

	strength of the Council's corporate governance arrangements.
Assessment of Risk	No risks identified.
Equality	No equality issues identified.

6. Consultations

6.1 None.

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

Ombudsman's letter dated July 2018

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

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