
STANDARDS COMMITTEE

Thursday, 6th February, 2020

Present: Councillor Jeff Scales (in the Chair), Councillors Andrew Clegg (Vice Chair) and Kath Pratt

237 Apologies for absence, Declarations of Interest and Dispensations

Apologies for absence were submitted on behalf of Councillor Kate Walsh and Altham Parish Councillors Thomas Fearon and Rennie Pinder.

There were no substitutions made or declarations of interest or dispensations.

238 Minutes of Last Meeting

The Minutes of the last meeting of the Standards Committee held on 16th October 2018 were submitted for approval as a correct record.

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

239 Standards Committee Complaints Process -Training

The Executive Director (Legal and Democratic Services) suggested that the proposed training be deferred.

Following the resignation of Mrs Patricia Higginbottom, in January 2020, there was a need to appoint additional independent persons to serve in relation to standards matters. The role of an independent person was threefold:

- To advise individual councillors who were the subject of a complaint;
- To advise a Standards Hearing Sub Committee in a non-voting capacity;
- To advise a Standards Assessment Panel in a non-voting capacity.

An Assessment Panel would be convened in those instances where the Monitoring Officer determined that the matter required peer elected Member input to determine the appropriate course of action, particularly in instances where the situation was politically sensitive. The Assessment Panel could:-

- Agree no further action;
- Recommend that matter be dealt with informally by the Monitoring Officer;
- Approve a formal investigation with a report to be submitted to a Standards Hearing Sub Committee.

The Executive Director (Legal and Democratic Services) had delegated authority to appoint new independent persons and three such individuals had recently been identified as follows:-

- Laurence Loft – a former clerk to the magistrate’s court and previously the independent (i.e. non-councillor) chair of Standards Committee under the former standards regime. The new standards regime implemented pursuant to the Localism Act 2011 had required serving non-councillor members of the Standards Committee to have a minimum break of 5 years before they could be appointed as “independent persons” under the new standards regime.
- Frank Whitehead – previously a non-councillor member of the Standards Committee and a serving member of the Independent Remuneration Panel. Mr Whitehead’s experience included being a chief officer at Chorley Borough Council, Governor at St Christopher’s CE High School and St John’s CE Primary School.
- Rahila Hussain – a careers and education adviser for Lancashire County Council who currently served on the Independent Remuneration Panel.

Members were informed that there were two complaints currently progressing to the Assessment Panel. Referral of a complaint to the Assessment Panel was not, of itself, an indication that the matter was serious in nature.

Members' availability for the Assessment Panel would be sought within the next few weeks to consider both cases. The Panel would need to include one independent person and, accordingly, a training session would be held on the criteria at the start of that meeting.

The Chair asked if, having previously investigated a complaint by virtue of his role within the Labour Party, he would then be able to sit on an Assessment Panel or Standards Hearing Sub Committee. The Executive Director (Legal and Democratic Services) indicated that it would be best not to serve on the Panel or Sub Committee in those circumstances.

The Chair enquired if the Panel needed to include Members from both political parties. The Executive Director (Legal and Democratic Services) responded that this was not a requirement, but that it was advisable. Councillors serving on the Panel should consider each case from the perspective of a peer Member, not on a political party basis. The use of cross party membership was helpful in demonstrating transparency and an even-handed approach.

Resolved

- To note the deferral of the training session and the update on membership issues.

240 Grant of Dispensations

Members considered a report of the Executive Director (Legal and Democratic Services) on the grant of dispensations.

Members were informed that, in June 2012, Hyndburn Borough Council and Altham Parish Council had 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 did 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, the Standards Committee would need to consider granting dispensations on those issues where legislation did not specifically allow Hyndburn and Altham Parish Councillors to speak and vote.

Hyndburn Councillors Loraine Cox, Diane Fielding, Melissa Fisher and Eamonn Higgins had submitted requests to renew their dispensations and new Members elected in 2019, Councillors Chris Knight, Patrick McGinley and Kate Walsh, had also applied for dispensations 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 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; and
- 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

A dispensation in the above terms had already been granted to the remaining 28 Hyndburn Borough Councillors.

Similarly, legislation was 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 Councillor Gary Monk had now applied for dispensation to speak and vote in respect of the setting of a precept under the Local Government Finance Act 1992 as amended from time to time or any superseding legislation. A dispensation to this effect had already been granted to the five the remaining Altham Parish Councillors. There was currently one vacancy on the Parish Council.

The Government had taken the view that a dispensation was unnecessary in these circumstances and that councillors did not have a disclosable pecuniary interest in decisions relating to the setting of council tax levels. The matter had not been decided by a court however and there was scope to argue that Hyndburn Borough Council and Altham Parish Councillors did potentially have a disclosable pecuniary interest when making decisions of this type as they resided 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.

Standards Committee was invited to decide whether to grant dispensations to allow each Councillor to speak and vote on the relevant issues.

A dispensation had to specify the period for which it had effect and the period specified could not exceed four years. The previous dispensations had been due to expire on 5th October 2019 and, to ensure continuity of cover and a common expiry date, it was proposed that retrospective approval be granted to enable the renewals and new applications for dispensations to cover the period 6th October 2019 to 5th October 2023.

Committee could grant a dispensation to speak only or grant a dispensation to speak and vote. A dispensation could be granted if Committee was 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 was in the interests of people living in the area; or
- All the members of the Cabinet were affected by the interest; or
- it was otherwise appropriate to grant the dispensation.

Resolved

**(1) That the requests from Hyndburn Borough Councillors,
Lorraine Cox, Diane Fielding, Melissa Fisher, Eamon**

Higgins, Chris Knight, Patrick McGinley and Kate Walsh, to grant dispensations to speak and vote on the issues set out in Section 3.2 of the report, be approved, to have effect for the period 6th October 2019 to 5th October 2023.

(2) That the request from Altham Parish Councillor Gary Monk, to grant a dispensation to speak and vote on the issues set out in Section 3.4 of the report, be approved, to have effect for the period 6th October 2019 to 5th October 2023.

241 Annual Ombudsman's Letter 2019

The Committee considered a report of the Executive Director (Legal and Democratic Services) about the annual local Government Ombudsman's (LGO's) letter for 2019.

Members were informed that the LGO had now published its annual complaint figures in respect of each local authority.

The LGO 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.

In summary, in 2018/19 the LGO had received 8 complaints about the Council. The table below showed the service areas to which the complaints related and compared this to the position in the last two financial years:

2018/19		2017/18		2016/17	
Benefits & CT	3	Benefits & CT	1	Benefits & CT	0
Environmental Services	1	Environmental Services	4	Environmental Services	2
Housing	1	Housing	2	Housing	1
Planning	3	Planning	7	Planning	2
Corporate Services	0	Corporate Services	0	Corporate Services	1
Total	8	Total	14	Total	6

During this period the LGO also determined 11 complaints about the Council. Details were set out in the table below, which also compared this to the position in the last 2 financial years:

2018/19		2017/18		2016/17	
Complaint not upheld	4	Complaint not upheld	3	Complaint not upheld	0
Sent back to HBC	5	Sent back to HBC	6	Sent back to HBC	3
Closed after initial	2	Closed after initial	2	Closed after initial	3

initial enquiry		enquiry		enquiry	
Upheld	0	Upheld	0	Upheld	1
Total	11	Total	11	Total	7

Complaints would 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.

Most importantly, the Ombudsman's letter did not flag up any areas of concern about either the Council's services or its procedures for dealing with complaints.

The table below showed a comparison between the Council's position and that of neighbouring District Councils over the same period. This exercise also did 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	8	11	0
Burnley	7	7	0
Pendle	8	8	1
Rossendale	18	19	2
Ribble Valley	8	9	1
Chorley	10	12	3
South Ribble	16	15	0
Preston	26	25	3
West Lancs	9	11	1
Lancaster	9	7	0

A copy of this report had also been considered by the Cabinet on 13th November 2019. The Cabinet welcomed the Ombudsman's letter for 2018/19 and noted the report.

The Chair commented that Hyndburn's figures seemed good in comparison to the other Lancashire authorities. He also noted that Benefits and Council Tax and Planning Services sometimes attracted complaints from persons who had not received a favourable decision. Referral to the LGO was sometimes used as an attempt to challenge the decision, rather than as a complaint about the process.

Resolved

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

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed