

Agenda



HYNDBURN

The place to be
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Standards Committee

Thursday, 6 February 2020 at 2.00 pm,
Queen Elizabeth Room, Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Jeff Scales

Vice-Chair: Councillor Andrew Clegg

Councillors Kate Walsh, Kath Pratt, Thomas Fearon (Altham PC) and Rennie Pinder (Altham PC)

A G E N D A

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 16th October 2018 for approval as a correct record.

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

3. Standards Committee Complaints Process -Training

The Executive Director (Legal and Democratic Services) will deliver a brief training session on the complaints process.

4. Grant of Dispensations *(Pages 7 - 26)*



Telephone Enquiries: Julian Joinson, Democratic Services (01254) 380116

Email: monica.bell@hyndburnbc.gov.uk

Published on Date Not Specified

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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.

5. Annual Ombudsman's Letter 2019 *(Pages 27 - 30)*

To inform the Standards Committee about the Annual Local Government and Social Care Ombudsman's Letter for 2018/19.

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

STANDARDS COMMITTEE

Tuesday, 16th October, 2018

Present: Councillor June Harrison (in the Chair), Councillors Joyce Plummer (Vice Chair), Kath Pratt and Stewart Eaves

Altham Parish Councillor Rennie Pinder
Independent Person: Patricia Higginbottom

Apologies Jeff Scales

177 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

An apology for absence was submitted on behalf of Councillor Scales.

Councillor Eaves acted as substitute representative for Councillor Scales.

Councillor Plummer declared a conflict of interest in item 3 – Grant of Dispensations due to her name being on the list of Councillors seeking dispensation to speak and vote on the a number of matters as set out in the report. Councillor Plummer indicated that she would not be speaking or voting on that item.

178 Minutes of Last Meeting 30th January 2017

The Minutes of the last meeting of the Standards Committee held on 30th January, 2017 were submitted for approval as a correct record.

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

179 Grant of Dispensations

The Executive Director (Legal and Democratic Services) submitted a report seeking the granting of dispensations to Hyndburn Councillors Josh Allen, Sara Britcliffe, Andrew Clegg, Marlene Haworth, Michael Miller, Jenny Molineux, Dave Parkins, Bernadette Parkinson and Joyce Plummer for a period of four years to enable them to speak and vote on the following matters (their request forms are attached):-

- 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.

A dispensation had already been granted to the remaining 26 Hyndburn Councillors.

Altham Parish Councillors Thomas Fearon, Anthony Hickson, Christine Lingard, Rennie Pinder and Joseph Threlfall had all applied for dispensations 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 were appended to the report.

Dispensations to that affect had already been granted to the remaining serving Altham Parish Councillor with one of the seven seats of the Parish Council being vacant.

Having declared a personal interest in respect of the submitted list of dispensations, Councillor Plummer took no part in the vote on this item.

Resolved

- (1) That, as requested, dispensations 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 a Member of the Council; and**
- (2) That, as requested, dispensations be granted to the named Altham Parish Councillors, as set out above, to allow them 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 they ceased to be a Member of Altham Parish Council.**

180 Annual Ombudsman's Letter 2018

The Executive Director (Legal and Democratic Services) submitted a report relating to the Annual Local Government Ombudsman's (LGO's) letter for 2017/18.

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 2017/18 the LGO had received 14 complaints about the Council of which 11 were determined. Attention was drawn to comparisons with 2016/17 figures when 6 complaints were received. Reference was made to the service areas to which complaints had been related most of which were to Planning. She pointed out that Planning did, in general, receive the greatest number of complaints, most of which were related to enforcement or as a result of controversial housing developments. Reference was also made to comparison between the Council's position and that of neighbouring District Councils over the same period. Hyndburn Borough Council had received a comparable number of complaints to its neighbours. She informed the Committee that of the 14 complaints submitted to the Council none had been upheld whereas other Authorities had had at least one complaint upheld by the Local Government Ombudsman. This exercise also indicated no obvious cause for concern.

Resolved

- That the Local Government Ombudsman's letter be welcomed and the report be noted.**

181 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.

182 Update on Submission of Complaints

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. 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 4.

REPORT TO:		Standards Committee	
DATE:		Thursday, 6 February 2020	
PORTFOLIO:		Councillor Joyce Plummer - Resources	
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 one Altham Parish Councillor, 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 Councillor Gary Monk 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 Councillor Diane Fielding has submitted a request to renew her dispensation and new Members elected in 2019, Councillors Chris Knight, Patrick McGinley and

Kate Walsh, 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 Renewal reminder letters have been sent to Councillors Loraine Cox, Melissa Fisher and Eamonn Higgins and, subject to the relevant forms being returned before the meeting, these should also be considered by the Committee. A dispensation in the above terms has already been granted to the remaining 28 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 Councillor Gary Monk has 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 form is attached. A dispensation to this effect has already been granted to the five the remaining Altham Parish Councillors. There is currently one vacancy on the Parish Council.
- 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 A dispensation must specify the period for which it has effect and the period specified may not exceed four years. The previous dispensations were due to expire on 5th October 2019 and, to ensure continuity of cover and a common expiry date, it is 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.

3.8 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.

Dispensation Request Form

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; and,
- 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

Signed: Councillor Diane Felding

Dated: 25/1/2020

Please return this form to Julian Joinson, Member Services Manager,
Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF

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Dispensation Request Form

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- Setting council tax or a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation; and,
- 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

Signed: Councillor



Dated:

08/05/2019.

Please return this form to Julian Joinson, Member Services Manager,
Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF

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Dispensation Request Form

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:-

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- 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

Signed: Councillor

Patrick McGinley BA

Dated: 18 MAY 2019.

Please return this form to Julian Joinson, Member Services Manager,
Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF

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Dispensation Request Form

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- Setting council tax or a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation; and,
- 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

Signed: Councillor

Kwack

Dated:

14/5/19

Please return this form to Julian Joinson, Member Services Manager,
Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF

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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 Gary Monk

Signature:



Date: 23/6/2019

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Dispensation Request Form

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; and,
- 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

Signed: Councillor 

Dated: 3/2/20

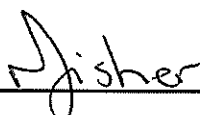
Please return this form to Julian Joinson, Member Services Manager,
Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF

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Dispensation Request Form

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- Setting council tax or a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation; and,
- 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

Signed: Councillor 

Dated: 04.02.2020

Please return this form to Julian Joinson, Member Services Manager,
Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF

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Dispensation Request Form

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:-

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- Setting council tax or a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation; and,
- 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

Signed: Councillor

A handwritten signature in black ink, appearing to be 'E. Higgins', written over a horizontal line.

Dated:

26.1.20

Please return this form to Julian Joinson, Member Services Manager,
Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF

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Agenda Item 5.

REPORT TO:		Standards Committee	
DATE:		6 th February 2020	
PORTFOLIO:		Councillor Joyce Plummer, Portfolio Holder for Resources	
REPORT AUTHOR:		Executive Director (Legal & Democratic Services)	
TITLE OF REPORT:		Annual Ombudsman’s Letter 2019	
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 This report informs Committee about the annual Local Government Ombudsman's (LGO's) letter for 2019.

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 2018/19 the LGO received 8 complaints about the Council. The table below shows the service areas to which the complaints related and compares 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

- 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 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 enquiry	2	Closed after initial enquiry	2	Closed after initial enquiry	3
Upheld	0	Upheld	0	Upheld	1
Total	11	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	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

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

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 24th July 2019

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.