

# Agenda



**HYNDBURN**  
The place to be  
an excellent council

## Standards Committee

**Thursday, 29 September 2022 at 1.30 pm,**  
Queen Elizabeth Room, Scaitcliffe House, Ormerod Street, Accrington

### Membership

**Chair:** Councillor Carole Haythornthwaite  
**Vice-Chair:** Councillor June Harrison

Councillors Danny Cassidy, Kath Pratt, Noordad Aziz, Bernard Dawson and Kimberley Whitehead

**Altham Parish Councillors:** Rennie Pinder, John Halstead and David Murray

### **A G E N D A**

**1. Apologies for absence, Declarations of Interest and Dispensations**

**2. Minutes of Last Meeting (Pages 3 - 8)**

To submit the Minutes of the last meeting held on 9<sup>th</sup> December, 2021 for approval as a correct record.

**Recommended**

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

**3. Local Government Ombudsman (LGO) Letter (Pages 9 - 16)**

This report informs Committee about the annual Local Government Ombudsman's (LGO's) letter for 2022.



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

**4. Overview of Code of Conduct Complaints 2020/21 (Pages 17 - 20)**

This report provides Committee with a summary of the Code of Conduct complaints received during 2021/22.

**Recommended** - That Committee notes the report.

**5. Grant of Dispensations (Pages 21 - 36)**

To consider the granting of dispensations to a number of Hyndburn Councillors and Altham Parish Councillors, to vote on certain issues (see Section 3 of the report).

**Recommended**

- (1) That Committee approves 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 for the period(s) indicated in paragraph 3.8; and
- (2) That Committee approves the request from Altham Parish Council members to grant dispensations to speak and vote on the issues set out in Section 3.4 of the report for the period(s) indicated in paragraph 3.8.

## STANDARDS COMMITTEE

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**Thursday, 9th December, 2021**

**Present:** Councillor Andrew Clegg (in the Chair), Councillors June Harrison (Vice Chair) and Kath Pratt

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**205 Apologies for absence, Declarations of Interest and Dispensations**

Apologies for absence were submitted on behalf of Rahila Hussain, Frank Whitehead and Laurence Loft (all Independent Members).

Cllr Kate Walsh and Altham Parish Councillor Rennie Pinder were absent from the meeting.

There were no declarations of interest or dispensations declared at the meeting.

**206 Minutes of Last Meeting**

The Minutes of the last meeting held on 15<sup>th</sup> October 2020 were submitted for approval as a correct record.

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

**207 Grant of Dispensations**

Members were requested to consider a report of the Executive Director (Legal and Democratic 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, 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 Dominik Allen, Peter Britcliffe, Susan Hayes, Carole Haythornthwaite, Michael Hindley, Sajid Mahmood, Caroline Montague and Steven Smithson submitted individual requests to renew their dispensations. The requests related to 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 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; 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

Dispensations in the above terms had previously been granted to the other 27 Hyndburn Borough Councillors and were not due to expire until either 2022, 2023 or 2024.

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. Following a number of casual vacancies in 2021, three Councillors had been co-opted by Altham Parish Council. Councillors David Murray, Robert Dexter Stubbs and Joshua Haworth had all submitted requests to renew their 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. Dispensations to this effect had previously been granted to the four remaining Altham Parish Councillors and were not due to expire until either 2022 or 2024.

The Government had taken the view that a dispensation was unnecessary in certain 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 existed 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. None of the current applicants had existing dispensations in force as they were newly elected/appointed. Due to the postponement of the elections in May 2020 until May 2021 and the election or co-option of some individuals as a result of in year vacancies, it is proposed that the dispensations be granted for such periods of time so as to bring them into line with the timetable of local government elections for the seats held by the individuals concerned to simplify the administration of future dispensation requests. If the Committee were minded to grant approval to the latest dispensation requests, it was proposed that the approval should cover the following periods:-

- 10<sup>th</sup> December 2021 – 15<sup>th</sup> October 2022 – Steven Smithson, Robert Dexter Stubbs, Joshua Haworth and David Murray.
- 10<sup>th</sup> December 2021 – 29<sup>th</sup> November 2024 – Dominik Allen, Peter Britcliffe, Susan Hayes, Carole Haythornthwaite, Michael Hindley, Sajid Mahmood and Caroline Montague.

The Committee could grant a dispensation to speak only, or could 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 Altham Parish Councillors Robert Dexter Stubbs, Joshua Haworth and David Murray, to grant dispensations to speak and vote on the issues set out in Section 3.4 of the report, be approved, to have effect for the period 10<sup>th</sup> December 2021 to 15<sup>th</sup> October 2022.**

(2) **That the request from Hyndburn Borough Councillors Dominik Allen, Peter Britcliffe, Susan Hayes, Carole Haythornthwaite, Michael Hindley, Sajid Mahmood, Caroline Montague and Steven Smithson, 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 10<sup>th</sup> December 2021 to 29<sup>th</sup> November 2024.**

**208 Annual Ombudsman's Letter 2021**

The Committee considered a report of the Executive Director (Legal and Democratic Services) regarding the annual Local Government and Social Care Ombudsman's (LGSCO's) letter for 2021. The Chair provided a brief introduction to the main points contained within the report.

The LGSCO had published its annual complaint figures in respect of each local authority for the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021. The data was produced in respect of every local authority in the same format.

For many years the LGSCO had received a low level of complaints about Hyndburn, making 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.

Last year the LGSCO had changed the reporting format and less detail had been provided and as a result, there was no longer any information to identify service areas to which complaints related. The Ombudsman's letter does not specify any areas of concern about either the Council's services or its procedures for dealing with complaints.

During this period the LGSCO had carried out 1 detailed investigation in response to a complaint about the Council, and this complaint was upheld.

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's performance being comparable to its Lancashire neighbours. Additionally, the level of complaints across the County was so low it made it difficult to draw any specific conclusions from the statistics

available, although it would be worth noting that the LGSO ceased to deal with complaints for several months at the height of the pandemic, and this may have suppressed the figures shown below:

<b>Council</b>	<b>Complaints investigated by LGO</b>	<b>% of complaints upheld after detailed investigation (the average for similar council is 45%)</b>
Hyndburn	1	100% (i.e. 1 upheld)
Burnley	3	67% (i.e. 2 upheld)
Pendle	2	0%
Rossendale	3	67% (i.e 2 upheld)
Ribble Valley	0	0%
Chorley	2	50% (i.e 1 upheld)
South Ribble	2	0%
Preston	1	100% (i.e 1 upheld)
West Lancs	0	0%
Lancaster	0	0%
Wyre	0	0%
Fylde	2	0%

A table at 3.6 in the report showed performance data for 2019/20 which was comparable data as the first year for which data was produced in this format.

**Resolved** - **That Committee welcomed the Ombudsman's letter and noted the report.**

## 209 Review of Council's Member Code of Conduct

The Executive Director (Legal & Democratic Services) submitted a report to inform the Committee of the Local Government Association (LGA) model code of conduct and sought Members views about adoption of the same, either in whole or part.

Members were informed that the Council was requested by law to have a Member Code of Conduct, although the terms of the code were largely for each local authority to decide for itself. The terms of the rules relating to disclosable pecuniary interests were statutory and therefore compulsory. Any changes to the Council's Code of Conduct required approval by Full Council. She referred Committee Members to appendix C – the Council's current Code of Conduct adopted in 2012 and was almost identical to the Code of Conduct adopted by Lancashire County Council. The aim was to ensure the same standards and requirements applied to dual hatted Councillors. Altham Parish Council also adopted a Code of Conduct in similar terms.

The current Member code appeared to be satisfactory with a low level of complaints about Councillors over the last decade. However, there was a view that the current statutory requirements may not provide a sufficiently comprehensive framework for the standards regime and as a result the LGA had produced a model Code of Conduct for Members, with guidance, attached to the report as appendices A and B, respectively.

She provided a summary of the main changes, should the model code be adopted:

- The model and guidance goes into more detail than the current HBC code.
- The rules relating to declaration and registration of interests were different and more detailed and would bring the benefit of greater certainty and consistency but at the expense of ease of understanding and application.

The Council had not reviewed its Code of Conduct for some time. It was proposed that the model code and guidance were shared with all Members as part of a short consultation process with comments being brought back to this Committee for consultation before a final proposal was submitted to Full Council. The Executive Director (Legal and Democratic Services) indicated that she would draft a summary of the new code and changes, email Councillors to invite comments and provide options from which Councillors could choose. She would then collate the Councillor responses and report back to Committee for consideration before submitting a proposal to Full Council for a decision.

**Resolved**

- (1) That the Executive Director (Legal & Democratic Services) drafts a summary of the model Code of Conduct and changes that would be applied to the current HBC code and consults Councillors inviting comments, collates responses and reports back to Standards Committee; and**
- (2) That, following consideration by Standards Committee a proposal is submitted to Full Council for decision.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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# Agenda Item 3.

**Report to:** Standards Committee

**Date:** 20th September 2022

**Report Author:** Executive Director (Legal & Democratic Services)

**Title of Report:** Annual Ombudsman's Letter 2022

## 1. Purpose of Report

- 1.1 This report informs Committee about the annual Local Government Ombudsman's (LGO's) letter for 2022

## 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 for the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022. This data is produced in respect of every local authority in the same format.
- 3.2 The Ombudsman's letter does not specifically flag up any areas of concern about either the Council's services or its procedures for dealing with complaints. For many years the LGO has received 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 During 2021/22 the LGO completed 1 detailed investigation in response to a complaint about the Council, and this complaint was not upheld. This complaint was actually received in 2020/21, but concluded in 2021/22.
- 3.4 During 2021/22 the LGO received 8 complaints about the Council, but none of these were referred for formal investigation. We have the following information about those complaints:

No.	Service area	decision
1	Benefits and Council Tax	Premature complaint – referred back to Council
2	Benefits and Council Tax	Closed after initial enquiries
3	Environmental Services	Not upheld
4	Environmental Services	Premature complaint – referred back to Council
5	Environmental Services	Premature complaint – referred back to Council

6	Environmental Services	Premature complaint – referred back to Council
7	Environmental Services	No decision yet
8	Planning	Premature complaint – referred back to Council
9	Planning	Closed after initial enquiries

3.5 The table below shows a comparison between the Council's position and that of neighbouring District Councils over the same period. This exercise does not indicate any obvious cause for concern in respect of the Council, with Hyndburn's performance being comparable to its Lancashire neighbours. In addition, the level of complaints across the County is so low as to make it difficult to draw any specific conclusions from the statistics available:

<b>Council</b>	<b>Complaints upheld by LGO</b>	<b>% of complaints upheld after detailed investigation (the average for similar council is 45%)</b>
Hyndburn	0	0%
Burnley	3	75%
Pendle	3	100%
Rossendale	3	100%
Ribble Valley	1	25%
Chorley	0	0%
South Ribble	2	50%
Preston	0	0%
West Lancs	2	50%
Lancaster	3	60%
Wyre	1	100%
Fylde	2	100%

3.6 The table below shows the performance data for 2019/20 and 2020/21, which are the first years for which data was produced in this format:

<b>Council</b>	<b>Number of complaints investigated by LGO</b>	<b>% of complaints upheld after detailed investigation (the average for similar council is 45%)</b>
Hyndburn	2019/20 1	0%
	2020/21 1	0%
Burnley	2019/20 0	0%

	2020/21	4	75%
Pendle	2019/20	1	0
	2020/21	3	100%
Rossendale	2019/20	6	33%
	2020/21	3	100%
Ribble Valley	2019/20	0	0%
	2020/21	4	25%
Chorley	2019/20	1	100%
	2020/21	0	0%
South Ribble	2019/20	1	0%
	2020/21	4	50%
Preston	2019/20	8	13%
	2020/21	2	0%
West Lancs	2019/20	1	0%
	2020/21	4	50%
Lancaster	2019/20	2	0%
	2020/21	5	60%
Wyre	2019/20	3	33%
	2020/21	1	100%
Fylde	2019/20	3	33%
	2020/21	2	100%

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

4.1 None. This is a report for information.

#### **5. Implications**

<b>Issue</b>	<b>Comments</b>
Financial (including mainstreaming)	No costs identified.
Legal	No issues identified.  The Ombudsman's letter gives a general 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. Nothing in letter indicates that there is cause for concern about the Council's current 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 2021

## 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.

# Local Government & Social Care OMBUDSMAN

20 July 2022

*By email*

Mr Welsby  
Managing Director  
Hyndburn Borough Council

Dear Mr Welsby

## **Annual Review letter 2022**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

**Compliance with recommendations** - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your

Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Supporting complaint and service improvement**

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

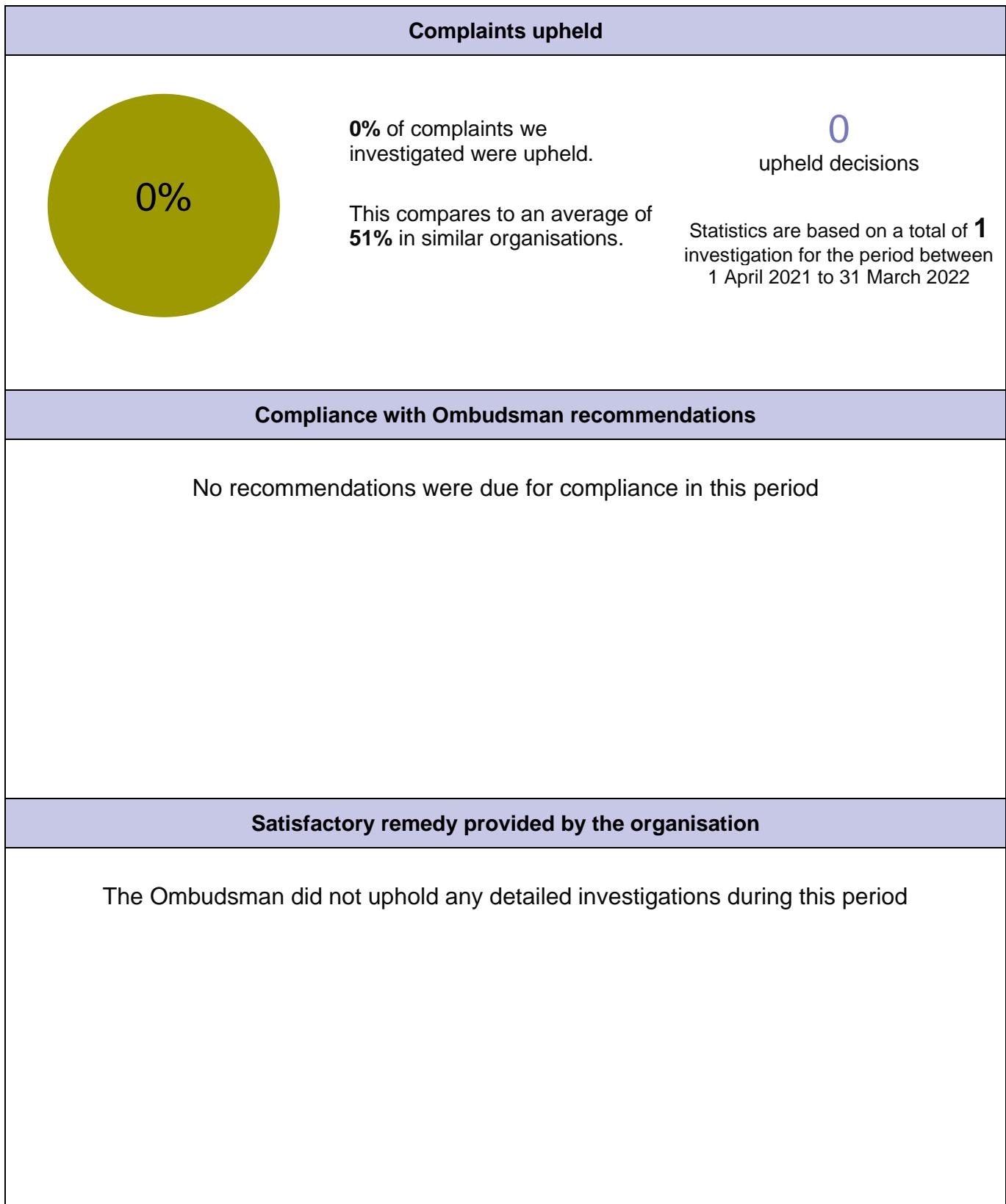
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

We were pleased to deliver an online complaint handling course to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the course was useful to you.

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England



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# Agenda Item 4.

**Report to:** Standards Committee

**Date:** 20th September 2022

**Report Author:** Executive Director (Legal & Democratic Services)

**Title of Report:** Overview of code of conduct complaints 2020/21

## 1. Purpose of Report

- 1.1 This report provides Committee with a summary of the code of conduct complaints received during 2021/22

## 2. Recommendations

- 2.1 That Committee notes this report.

## 3. Background and Reasons for Recommendations

- 3.1 The Council has received a very low level of complaints about councillor conduct for many years, with no more than one or two complaints being referred to the Standards Assessment Panel annually, and none being referred for formal investigation for around 10 years.
- 3.2 Councillors will recall that the Standards Assessment Panel may make one of the following findings in respect of the complaints it considers:
  - i) no action needed; or
  - ii) referral for informal resolution by the Monitoring Officer; or
  - iii) referral for formal investigation.
- 3.3 There was a marked increase in the number of conduct complaints in 2021/22. A summary of the way those complaints were dealt with is set out below. The complaints referred for formal investigation were referred to an external investigator.

No.	Assessment Panel Decision	Outcome
1	Formal Investigation	No breach found
2	Formal Investigation	No breach found
3	Formal Investigation	No breach found
4	Formal Investigation	No breach found
5	Formal Investigation	No breach found
6	Formal Investigation	Investigation ongoing (nearing completion)

7	Formal Investigation	Investigation ongoing (nearing completion)
8	Formal Investigation	Complaint withdrawn by complainant
9	Formal Investigation	Complaint withdrawn by complainant
10	Not applicable	Ceased to be a councillor before the complaint could be processed

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

4.1 None. This is a report for information.

#### **5. Implications**

<b>Issue</b>	<b>Comments</b>
Financial (including mainstreaming)	No costs identified.
Legal	No issues identified.
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**

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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# Agenda Item 5.

<b>REPORT TO:</b>	Standards Committee	
<b>DATE:</b>	Thursday, 27 September 2022	
<b>PORTFOLIO:</b>	Councillor Joyce Plummer - Resources	
<b>REPORT AUTHOR:</b>	Jane Ellis, Executive Director (Legal & Democratic Services)	
<b>TITLE OF REPORT:</b>	Grant of Dispensations	
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:

## 1. Purpose of Report

- 1.1 To seek the granting of dispensations to a number of Hyndburn Councillors and Altham Parish Councillors, to vote on certain issues (see Section 3 of the report).

## 2. Recommendations

- 2.1 That Standards Committee approves 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 for the period(s) indicated in Paragraph 3.8.
- 2.2 That Standards Committee approves the request from Altham Parish Council members to grant dispensations to speak and vote on the issues set out in Section 3.4 of the report for the period(s) indicated in Paragraph 3.8.

## 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 Following the Elections in May 2022 and a By-election in July 2022, a number of councillors were newly elected. Hyndburn Councillors Scott Brerton, Danny Cassidy,

Jodi Clements, Bernard Dawson, Peter Edwards, Zak Khan, Colin McKenzie and Kimberley Whitehead have submitted individual requests for dispensations and copies of the request forms are attached at Appendix 1. The requests relate to dispensations 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

3.3 Renewal reminder letters have been sent to existing Members who were returned at the Elections in 2022, comprising Councillors Josh Allen, Andrew Clegg, Marlene Howarth, Joyce Plummer and Steven Smithson. All request forms (except one from Josh Allen) have been returned and are also included at Appendix 1 for consideration by the Committee. Councillor Allen's form will be circulated upon receipt.

3.4 Dispensations in the above terms have previously been granted to the other 22 Hyndburn Borough Councillors and are not due to expire until either 2023 or 2024.

3.5 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. Councillors Joshua Haworth, David Murray, Rennie Pinder, Robert Dexter Stubbs and Joseph Threfall have been invited to apply for a 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. Copies of their forms when received will be included within Appendix 2 for consideration by the Committee. A dispensation to this effect has previously been granted to the other serving Altham Parish Councillor, John Halstead, and is not due to expire until 2024. There is currently one vacancy on the parish Council.

3.6 The Government takes the view that a dispensation is unnecessary in certain 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 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.

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

3.8 A dispensation must specify the period for which it has effect and the period specified may not exceed four years. Returning councillors have an existing dispensation in force due to expire on 15 October 2022 (or on 13 October 2024 in the case of Councillor Steven Smithson), but those newly elected Members have no dispensation in place. Accordingly, the dispensation should commence or renew as soon as possible. It is proposed that the dispensations be granted for such periods of time so as to bring them into line with terms of office for the individuals concerned, such that in some cases this will be less than the maximum period allowed for the dispensation of four years. This will simplify the administration of future dispensation requests, by standardising the expiry dates to coincide with those of other elected members in ordinary election years. If approval is granted by the Committee to the latest dispensation requests it is proposed that the approval should cover the following periods:-

- Councillors Zak Khan, Joshua Haworth, David Murray, Rennie Pinder, Robert Dexter Stubbs and Joseph Threfall (20<sup>th</sup> September 2022 – 19<sup>th</sup> September 2023)
- Councillors Colin McKenzie (20<sup>th</sup> September 2022 – 19<sup>th</sup> September 2024)
- Councillors Josh Allen, Scott Brerton, Danny Cassidy, Andrew Clegg, Jodi Clements, Bernard Dawson, Peter Edwards, Marlene Howarth, Joyce Plummer, Steven Smithson and Kimberley Whitehead (20<sup>th</sup> September 2022 – 19<sup>th</sup> September 2026)

3.9 The Committee may grant a dispensation to speak only or may grant a dispensation to speak and vote. A dispensation can be granted if the 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**

<b>Financial implications (including any future financial commitments)</b>	None.
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<b>for the Council)</b>	
<b>Legal and human rights implications</b>	The legal requirements are discussed in Section 3 above.
<b>Assessment of risk</b>	No risks identified.
<b>Equality and diversity implications</b> A <i>Customer First Analysis</i> should be completed in relation to policy decisions and should be attached as an appendix to the report.	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

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- Ceremonial honours given to members; and,
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Name (block capitals):

SCOTT BRENTON

Signed: Councillor



Dated:

9/5/22

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

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Name (block capitals): DANIEL CASSIDY

Signed: Councillor *Daniel Cassidy*

Dated: 7/5/2022

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

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Name (block capitals): ANDREW CLEGG

Signed: Councillor 

Dated: 20/5/22

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Name (block capitals): JOEL CLEMENTS

Signed: Councillor



Dated:

9-5-22

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Name (block capitals): BERNARD DAWSON

Signed: Councillor S. Dawson

Dated: 14 5 22

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Name (block capitals): PETER EDWARDS

Signed: Councillor 

Dated: 10.5.22

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Name (block capitals): MARLENE HAWORTH

Signed: Councillor Marlene Haworth (by e-mail)

Dated: 5<sup>th</sup> September 2022

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

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Name (block capitals): ZAK KHAN

Signed: Councillor 

Dated: 08/05/2022

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Name (block capitals): COLIN JOHN MCKENZIE

Signed: Councillor 

Dated: 25/7/22

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

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Name (block capitals): Joyce Nicholson PLUNNER

Signed: Councillor Joyce N. Plummer

Dated: 9/5/2022

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

11 MAY 2022

**Dispensation Request Form**

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Name (block capitals): STEVEN SMITHSON

Signed: Councillor Smithson

Dated: 9/5/22

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Name (block capitals): RUMBLEY WHITHEAD

Signed: Councillor IC SW

Dated: 18/05/2022

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