

Agenda



HYNDBURN

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an excellent council

Standards Committee

Monday, 19 December 2022 at 9.00 am,
Queen Elizabeth Room, Scaitcliffe House, Ormerod Street, Accrington

Membership

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

Councillors Noordad Aziz, Danny Cassidy, Bernard Dawson MBE, Kath Pratt,
Kimberley Whitehead, Rennie Pinder, John Halstead and David Murray

Independent Person: Mr. Frank Whitehead

A G E N D A

1. Apologies for absence, Declarations of Interest and Dispensations

2. Minutes of Last Meeting -29th September 2022 (Pages 3 - 6)

The Minutes of the last meeting of the Standards Committee held on 29th September 2022 were submitted for approval as a correct record.

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

3. Hearing Procedure (Pages 7 - 10)

To advise the Committee of the Hearing Procedure for Standards Committee in relation to a complaint.



Recommended - That the report be noted.

4. Exclusion of the Public

Recommended - 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 business to be transacted, or the nature of the proceedings, that there will otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act specified at the item.

5. Investigation Report *(Pages 11 - 34)*

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 1 – Information relating to any individual)

To provide Members with details of an Investigator's report. Members are requested to consider if there has been a breach of the Council's Code of Conduct and, if there has been, to consider what sanctions to apply.

Recommended

- (1) That, the Committee consider the report relating to the investigation and, taking the Investigator's recommendation into consideration, decide if there has or has not been a breach of the Council's Code of Conduct; and**
- (2) That, if it is determined that there has been a breach of the Council's Code of Conduct, the Committee determine which, if any, sanction(s) to apply.**

STANDARDS COMMITTEE

Thursday, 29th September, 2022

Present: Councillor Carole Haythornthwaite (in the Chair), Councillors Danny Cassidy, June Harrison (Vice Chair), Kath Pratt, Rennie Pinder and Bernard Dawson

Apologies Councillors Noordad Aziz and Kimberley Whitehead and Parish Councillors Halstead and Murray

210 Apologies for absence, Declarations of Interest and Dispensations

Apologies for absence were submitted on behalf of Councillors Aziz and Whitehead and Parish Councillors Murray and Halstead.

Councillors Cassidy and Dawson and Parish Councillor Pinder declared personal interests in item 5 of the agenda – Grant of Dispensations. This was due to their names being on the list of Councillors seeking dispensations to speak and vote on a number of issues as set out in Section 3.2 of the report for the period indicated in Paragraph 3.8. To ensure that the Committee was quorate when taking a vote on this item, separate votes were taken by eligible Councillors on the dispensations for District Councillors and the dispensations for Altham Parish Councillors. The Councillors declaring interests indicated that they would not be speaking or voting on that item.

There were no dispensations declared at the meeting.

211 Minutes of Last Meeting

The Minutes of the last meeting of the Standards Committee held on 9th December 2021 were submitted for approval as a correct record.

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

212 Local Government Ombudsman (LGO) Letter

The Executive Director (Legal and Democratic Services) submitted a report relating to the Annual Local Government Ombudsman's (LGO's) letter for 2022.

The Local Government Ombudsman had continued to receive a low level of complaints about Hyndburn making it difficult to identify trends from the statistical information provided. The low level of complaints might 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 2021/22 the LGO had completed 1 detailed investigation in response to a complaint about the Council but this complaint had not been upheld. This complaint had been received in 2020/21 and concluded in 2021/22. During 2021/22 the LGO had received 8 complaints about the Council, but none of these had been referred for formal investigation. Information in the report showed that of the 8 complaints

that had been received 2 had been in respect of the Benefits and Council Tax Section, 5 had related to Environmental Services and 2 to the Planning Section. Attention had also been drawn to comparisons between the Council's position and that of neighbouring District Councils over the same period and a comparison of performance data for 2019/20 and 2020/21. She informed the Committee that none of the complaints investigated had been upheld.

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

213 Overview of Code of Conduct Complaints 2020/21

The Executive Director (Legal & Democratic Services) submitted a report providing the Committee with a summary of the code of conduct complaints received during 2021/22.

The Council had received a 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. The Committee was reminded of the findings that the Panel could find in respect of the complaints considered. During 2021/22 there had been a marked increase in the number of conduct complaints and the complaints sent for formal investigation were referred to an external investigator. There had been 9 complaints sent for formal investigation and 1 not applicable. Of those investigated 5 had been found not to have breached the code of conduct, 2 complaints had been withdrawn and 2 were ongoing. The sources of the complaints were outlined and the Executive Director (Legal and Democratic Services) reported that she would submit a report annually to the Standards Committee to establish if a trend was establishing or if things were beginning to settle down.

Resolved - **That the report be noted.**

214 Grant of Dispensations

The Executive Director (Legal & Democratic Services) submitted a report seeking the granting of dispensations to a number of Hyndburn Councillors and Altham Parish Councillors, to vote on certain issues. These were set out in Section 3 of the report.

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 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. Standards Committee considered granting dispensations on those issues.

Following the Elections in May 2022 and a By-election in July 2022, a number of councillors were newly elected. The following Hyndburn Councillors submitted requests for dispensations:

Councillor Scott Brerton
Councillor Danny Cassidy
Councillor Jodi Clements
Councillor Bernard Dawson
Councillor Peter Edwards
Councillor Zak Khan
Councillor Colin McKenzie

Councillor Kimberley Whitehead

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
- 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.

Request forms were also received from existing Members who were returned at the Elections in 2022 as follows:

Councillor Andrew Clegg
Councillor Marlene Haworth
Councillor Joyce Plummer
Councillor Steven Smithson
Councillor Josh Allen.

Dispensations were previously granted to the remaining 22 Hyndburn Councillors who were not due to expire until 2023 or 2024.

Legislation is silent on the issue of Parish Councillors being able to speak and vote on the setting of the parish precept. Requests for dispensations were received from the following Parish Councillors:

Councillor Joshua Haworth
Councillor David Murray
Councillor Rennie Pinder
Councillor Robert Dexter Stubbs
Councillor Joseph Threfall

A dispensation had already been previously granted to Parish Councillor John Halstead and was not due to expire until 2024. There was currently one vacancy on the Parish Council.

Dispensations were requested to cover the following periods:

20th September 2022 to 19th September 2023:

Councillors Zak Khan, Joshua Haworth, David Murray, Rennie Pinder, Robert Dexter Stubbs and Joseph Threfall.

20th September 2022 to 19th September 2024:

Councillor Colin McKenzie

20th September 2022 to 19th September 2026:

Councillors Josh Allen, Scott Brerton, Danny Cassidy, Andrew Clegg, Jodi Clements, Bernard Dawson, Peter Edwards, Marlene Haworth, Joyce Plummer, Steven Smithson and Kimberley Whitehead.

Due to a number of Members of the Committee declaring interests in this item, as declared in item 2 of the meeting, and to ensure that the meeting was quorate, it was determined that voting on this item would be taken separately for both the Hyndburn Councillors and the Parish Councillors.

Resolved

- (1) That the requests from Hyndburn Borough Councillors Scott Brerton, Danny Cassidy, Jodi Clements, Bernard Dawson, Peter Edwards, Zak Khan, Colin McKenzie, Kimberley Whitehead, Andrew Clegg, Marlene Haworth, Joyce Plummer Steven Smithson and Josh Allen, to grant dispensations to speak and vote on the issues set out in the minute above for the periods referred to, be approved; and**
- (2) That the requests from Altham Parish Councillors Joshua Haworth, David Murray, Rennie Pinder, Robert Dexter Stubbs and Joseph Threfall, to grant dispensations to speak and vote on the issues set out in the minute above for the periods referred to, be approved.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

Standards Committee

Procedure For Hearings

1. Welcome

The Chair will welcome everyone and introduce the Committee, legal advisor and Member Services officer.

The Chair will explain the role of the Independent Person

The Chair will ask the investigator to introduce themselves and anyone they have brought with them.

The Chair will ask the subject councillor to introduce themselves and anyone they have brought with them.

2. Declaration of interests by the Committee

3. Minutes of the Last Meeting

Non-attendance by the subject councillor

If the subject councillor is not present the Committee will consider whether to proceed in their absence or whether to adjourn to give an opportunity for attendance.

4. Exclusion of the press and public

The Chair will ask both the investigator and the subject councillor whether they are seeking the exclusion of the press and public and, if they are, on what grounds.

The Committee will consider any representations made and will determine whether the press and public are to be excluded.

5. Procedural matters

The Chair will check that all present have a copy of this procedure.

The Chair will ask whether anyone has any questions about the procedure.

The Chair will ask whether there are any procedural issues to be determined before the hearing proceeds.

NB: the Committee may agree to vary this procedure if it is satisfied that this is necessary in the interests of fairness and transparency

NB: the Committee may limit the number of witnesses if they consider this is appropriate for the efficient conduct of the hearing (for example, because multiple witnesses are present to give evidence on the same points or because there are multiple character witnesses)

6. Presentation of the investigation report

The investigator will present their report and may call witnesses.

The Committee may ask questions of the investigator and their witnesses.

The subject councillor, or their representative, may through the Chair, ask questions of the investigator and their witnesses.

The subject councillor, or their representative, may make representations in respect of the investigation report and may call witnesses.

The Committee may ask questions of the subject councillor and their witnesses.

The investigator may, through the Chair, ask questions of the subject councillor and their witnesses.

The Chair will invite the investigator to sum up.

The Chair will invite the subject councillor, or their representative, to sum up.

NB: the Committee may decide to adjourn if it wishes to hear from a witness who is not in attendance at the meeting.

7. Determination of facts and decision as to breach of the code of conduct

The investigator, the subject councillor and any representative, the witnesses and the press and public (if present) will withdraw while the Committee makes its findings of fact and reaches a decision in respect of breach of the code of conduct.

The investigator and subject councillor etc will be invited back into the meeting room and the Chair will read out the decision of the Committee on questions of fact and on breach of the code of conduct.

8. Decision as to sanction

If the Committee has determined that there has been a breach of the code of conduct, the Chair will ask both the investigator and the subject councillor (or their representative) to make representations as to possible sanction(s).

The investigator, the subject councillor and any representative, the witnesses and the press and public (if present) will withdraw while the Committee makes its decision as to sanction(s).

The investigator and subject councillor etc will be invited back into the meeting room and the Chair will read out the decision of the Committee as to the sanction(s), if any, to be made.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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