

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 5<sup>th</sup> 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 6<sup>th</sup> October 2019 to 5<sup>th</sup> 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**

<b>Financial implications (including any future financial commitments for the Council)</b>	None.
<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> <i>A <a href="#">Customer First Analysis</a> 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.