
STANDARDS COMMITTEE

Thursday, 15th October, 2020

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

Co-opted (non-voting) Members Councillor Rennie Pinder (Altham Parish Council)

Independent Persons (non-voting) Rahila Hussain and Frank Whitehead

7 Apologies for absence, Declarations of Interest and Dispensations

Apologies for absence were submitted on behalf of Laurence Loft (Independent Person).

Councillors Jeff Scales and Kath Pratt both declared a personal interest in Agenda Item 3 – Dispensations, on the grounds that they had each submitted an application for the granting of certain dispensations to be considered at this meeting.

There were no declarations of interest.

8 Minutes of Last Meeting

The Minutes of the last meeting of the Standards Committee held on 6th February 2020 were submitted for approval as a correct record.

In relation to Minutes 239 - Standards Committee Complaints Process: Training, Rahila Hussain reported that her job title had now changed to Special Educational Needs Adviser, for Lancashire County Council.

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

Councillors Jeff Scales and Katt Pratt did not speak or vote on the following item of business.

9 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, 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 Judith Addison, Mohammed Ayub, Noordad Aziz, Jean Battle, Stephen Button, Paul Cox, Munsif Dad, Stewart Eaves, Glen Harrison, June Harrison, Terry Hurn, Abdul Khan, Tim O’Kane, Miles Parkinson, Katt Pratt, Jeff Scales and Paddy Short had 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 16 Hyndburn Borough Councillors and were not due to expire until either 2022 or 2023.

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. Altham Parish Councillor John Halstead had submitted a request to renew his 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. Dispensations to this effect had previously been granted to the five remaining Altham Parish Councillors and were not due to expire until either 2022 or 2023. There was currently one vacancy on the Parish Council.

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. The existing dispensations were due to expire on 29th November 2020. If the Committee were minded to grant approval to the latest dispensation requests, it was proposed that the approval should cover the period 30th November 2020 to 29th November 2024.

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 Hyndburn Borough Councillors Judith Addison, Mohammed Ayub, Noordad Aziz, Jean Battle, Stephen Button, Paul Cox, Munsif Dad, Stewart Eaves, Glen Harrison, June Harrison, Terry Hurn, Abdul Khan, Tim O’Kane, Miles Parkinson, Katt Pratt, Jeff Scales and Paddy Short, 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 30th November 2020 to 29th November 2024.**
- (2) **That the request from Altham Parish Councillor John Halstead, 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 30th November 2020 to 29th November 2024.**

10 Annual Ombudsman's Letter 2020

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 2020. The Chair provided a brief introduction to main points contained within the report.

The LGSCO had now published its annual complaint figures in respect of each local authority for the period 1st April 2019 to 31st March 2020. 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, 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.

This year the LGSCO had changed the reporting format and less detail had been provided. So, this year there was no information to identify the service areas to which the complaints related.

During this period the LGSCO had carried out 1 detailed investigation in response to a complaint about the Council, but this was not 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 better than, or comparable to, its Lancashire neighbours:

Council	Complaints investigated by LGO	% of complaints upheld after detailed investigation (the average for similar council is 45%)
Hyndburn	1	0%
Burnley	0	0%
Pendle	1	0%
Rossendale	6	33% (i.e 2 upheld)
Ribble Valley	0	0%
Chorley	1	100% (i.e 1 upheld)
South Ribble	1	0%
Preston	8	13% (i.e 1 upheld)
West Lancs	1	0%
Lancaster	2	0%
Wyre	3	33% (i.e 1 upheld)
Fylde	3	33% (i.e. 1 upheld)

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

11 Standards Update

The Committee considered a report of the Executive Director (Legal and Democratic Services) about recent developments relating to local authority governance and the Councillor Code of Conduct. The Chair reported on his experience of the application of the current Code of Conduct, based on his experience as Labour Whip last year. The Code applied to all councillors equally and its use was not based on party political considerations. The investigation of complaints would be supported by the Executive Director (Legal and Democratic Services). The Committee was being asked to await the publication of the Local Government Association's (LGA's) new Code, then to decide whether to adopt that Code or to adapt the Council's existing Code.

The report indicated that, in 2019, the Committee on Standards in Public Life had published a report entitled "Local Government Ethical Standards", which had made a range of recommendations in respect of Councillor Codes of Conduct and the investigation of complaints about councillors. A summary of those recommendations was provided, alongside a summary of the Council's performance against each one of them.

Work on implementation of the various recommendations had been halted at the start of the Covid pandemic, when all efforts had focussed on the Council's response to the same.

In June 2020, the LGA had begun a consultation on a proposed model Code of Conduct for Members, a copy of which was provided with the report. There was now no national Councillor Code of Conduct and each Council was able to adopt its own, leading to varying standards and expectations across the country. The draft model Code was an attempt to set out a minimum set of obligations for councillors to promote public confidence in local governance arrangements. The draft Code was in reasonably plain English and much of its contents were to be welcomed (although it did limit councillors power to speak where they had personal, non-pecuniary interests to a greater extent than the Council's current code and the Council's Monitoring Officer considered that the draft Code went too far in that regard). The Council was now waiting for the outcome of the consultation process and it

was very likely that an updated version of the draft Code would be produced. This would be brought to Standards Committee for Members to consider.

The model Code and associated guidance were likely to address many of the recommendations made by the Committee on Standards in Public Life. Rather than engage in a piecemeal review, it was suggested that the Council should review its Code of Conduct and Member complaints process once the final version of the LGA's model Code of Conduct had been published as part of a single, comprehensive piece of work. No complaints about Member conduct had been referred to Standards Committee for several years, and poor Member conduct did not appear to be a significant problem for the Council. A short delay in updating the Council's rules and procedures did not, therefore, appear to pose particular risks.

Members discussed the proposed approach to be taken and in general were in favour of awaiting publication of the final version of the Code. However, concerns were expressed about the greater restrictions on councillor rights to speak when they had a personal interest. The Council might not wish to adopt that element of the Code. The Executive Director (Legal and Democratic Services) clarified that the LGA's proposed changes would not limit a local councillor speaking on planning issues within their ward, unless he/she had pecuniary interest.

Resolved

- (1) That the Committee notes this report.**
- (2) That the Committee agrees to delay updates to the Council's Councillor Code of Conduct until April 2021 to allow time for the LGA's new model Code of Conduct to be finalised**
- (3) That the Committee agrees that it will conduct an annual review of the Council's Code of Conduct for councillors.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed