

## 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 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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