

REPORT TO:	Standards Committee	
DATE:	Thursday, 27 September 2022	
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 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 Breton, 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 (20th September 2022 – 19th September 2023)
- Councillors Colin McKenzie (20th September 2022 – 19th 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 (20th September 2022 – 19th 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

Financial implications (including any future financial commitments)	None.
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for the Council)	
Legal and human rights implications	The legal requirements are discussed in Section 3 above.
Assessment of risk	No risks identified.
Equality and diversity implications 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.