

REPORT TO:	Standards Committee	
DATE:	Thursday, 12 th October 2023	
PORTFOLIO:	Councillor Peter Britcliffe - 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 3.5 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 2023, a number of councillors were newly elected: Hyndburn Councillors Heather Anderson, Mike Booth, Stephen Button, David Parkins

and Mohammed Younis were elected and 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 emails have also been sent to existing Members who were returned at the Elections held in 2023 and had existing dispensations which were due to expire in 2023, comprising of Councillors Loraine Cox, Melissa Fisher, Zak Khan and Kate Walsh. All request forms have been returned and are also included at Appendix 1 for consideration by the Committee.
- 3.4 Dispensations, in the above terms, have previously been granted to the remaining 26 Hyndburn Borough Councillors and are not due to expire until either 2024 or the end of their respective terms of office.
- 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 John Halstead, Joshua Haworth, David Murray, Rennie Pinder, Robert Dexter Stubbs, Joseph Threfall, Helen Hummerston and Jon Chadwick 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. Request forms are being awaited and will be circulated upon receipt, as Appendix 2, for consideration by the Committee.
- 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. Currently, four of the returning Hyndburn Councillors in 2023 have dispensations in place which are due to expire or have already expired and all five newly elected Members have no dispensation in place. Two Parish Councillors are newly appointed with the remaining six Parish Councillors having also submitted applications for dispensations. **It is therefore proposed that dispensations are granted for a period of four years, to cover the period of 13th October 2023 to 12th October 2027 for the applications submitted by:**

Hyndburn Councillors – Heather Anderson, Mike Booth, Stephen Button, David Parkins, Mohammed Younis, Loraine Cox, Melissa Fisher, Zak Khan and Kate Walsh.

Altham Parish Councillors - Councillors John Halstead, Joshua Haworth, David Murray, Rennie Pinder, Robert Dexter Stubbs, Joseph Threfall, Helen Hummerston and Jon Chadwick

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 for the Council)	None.
Legal and human rights implications	The legal requirements are discussed in Section 3 above.
Assessment of risk	No risks identified.
Equality and diversity implications	Not applicable.

<p>A <u>Customer First Analysis</u> should be completed in relation to policy decisions and should be attached as an appendix to the report.</p>	
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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.