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# STANDARDS COMMITTEE

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**Thursday, 10th October, 2024**

**Present:** Councillor Clare Yates (in the Chair), Councillors Danny Cassidy, Zak Khan, Stephen Button, Bernard Dawson MBE, Melissa Fisher and Ethan Rawcliffe

**Apologies** Marlene Haworth

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Councillor Clare Yates stepped up from Vice Chair to Chair this meeting.

**187 Apologies for absence, Declarations of Interest and Dispensations**

Apologies for Absence were given by Councillor Marleen Haworth.

Councillors Clare Yates, Stephen Button and Ethan Rawcliffe declared an interest in Agenda Item 3 – Dispensations, on the grounds that they had submitted an application for the granting of certain dispensations to be considered at this meeting.

There were no declarations of interest.

**188 Minutes of Last Meeting**

The Minutes from the Hearing Sub Committee on the 20<sup>th</sup> of October 2022, Standards Committee 15<sup>th</sup> of August 2024 and Hearing Sub Committee 19<sup>th</sup> of September 2024 were submitted for approval as a correct record.

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

**189 Grant of Dispensations**

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. Or in the case of Altham Parish Council, the setting of the precept. 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.

Following the Elections in May 2024, a number of councillors were newly elected: Hyndburn Councillors Vanessa Alexander, Edward Blake, Stewart Eaves, Shabir Mohammed Fazal, Andy Gilbert, Clare McKenna, Clare Pritchard, Ethan Rawcliffe, Tina Walker and Clare Yates 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

Renewal reminder emails have also been sent to existing Members who were returned at the Elections held in 2024 and had existing dispensations which were due to expire in 2024, comprising of Councillors Judith Addison, Noordad Aziz, Stephen Button, Paul Cox, Munsif Dad and Kathleen Pratt.

All request forms have been returned and are also included at Appendix 1 for consideration by the Committee.

Dispensations, in the above terms, have previously been granted to the remaining 19 Hyndburn Borough Councillors and are not due to expire until either 2026 or the end of their respective terms of office.

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. Councillor Helen Hummerston and Miles Parkinson 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.

The forms have been returned and are included at Appendix 2, for consideration by the Committee.

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.

Standards Committee needs to decide whether to grant dispensations to allow each Councillor to speak and vote on the relevant issues.

A dispensation must specify the period for which it has effect and the period specified may not exceed four years. Currently there are 6 Hyndburn Councillors that have dispensations in place which are due to expire or have already expired and all 10 newly elected Members have no dispensation in place. Two Parish Councillors have also submitted an application for a dispensation.

Hyndburn Councillors – Judith Addison, Vanessa Alexander, Noordad Aziz, Edward Blake, Stephen Button, Paul Cox, Munsif Dad, Stewart Eaves, Shabir Mohammed Fazal, Andy Gilbert, Clare McKenna, Kathleen Pratt, Clare Pritchard, Ethan Rawcliffe, Tina Walker and Clare Yates.

Altham Parish Councillors – Councillor Helen Hummerston and Miles Parkinson.

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.

Councillor Clare Yates clarified that for Altham Parish Councillors this is only in regards to setting Parish Precepts.

Monitoring Officer Jane Ellis confirmed this is correct.

Councillors Clare Yates, Stephen Button and Ethan Rawcliffe did not vote on their own dispensations.

**Resolved (1) That the requests from Hyndburn Borough Councillors; Judith Addison, Vanessa Alexander, Noordad Aziz, Edward Blake, Stephen Button, Paul Cox, Munsif Dad, Stewart Eaves, Shabir Mohammed Fazal, Andy Gilbert, Clare McKenna, Kathleen Pratt, Clare Pritchard, Ethan Rawcliffe, Tina Walker and Clare Yates 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> of October 2024 to the 9<sup>th</sup> of October 2024**

**2) That the request from Altham Parish Councillors; Councillor Helen Hummerston and Miles Parkinson to grant dispensations to speak and vote on the issues set out in Section 3.5 of the report, be approved, to have effect for the period 10<sup>th</sup> of October 2024 to the 9<sup>th</sup> of October 2024.**

## 190 Hearing

Monitoring Officer Jane Ellis presented an update to the Committee on the procedures and outcome of the previous Hearing Sub Committee on the 19<sup>th</sup> of September.

Miss Ellis reflected on the previous hearing and found that the procedural changes made worked well and asked for any feedback from Councillors.

Councillor’s feedback that they were happy with how the hearing was operated and noted that it felt like a fair proceeding.

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

