

COUNCILLOR JEFFREY CHEETHAM MAYOR

**MINUTES OF: MEETING OF THE COUNCIL OF THE BOROUGH OF
ROSSENDALE**

Date of Meeting: 12th April 2006

**PRESENT: The Mayor Councillor J Cheetham (in the Chair)
Councillors Atkinson, D Barnes, L Barnes, Challinor,
Crosta, Disley, Eaton, Entwistle, Forshaw, Graham,
Hancock, Lamb, Neal, Nicholass, Ormerod, J Pawson, S
Pawson, Pilling, Robertson, Ruddick, Sandiford, Starkey,
H Steen, P Steen, Swain, Thorne, Unsworth and Young.**

**IN ATTENDANCE: Carolyn Wilkins, Chief Executive
Phil Seddon, Head of Financial Services
Linda Fisher, Head of Legal and Democratic Services
Julian Joinson, Democratic Services Manager**

**APOLOGIES: Councillors Alcroft, A Barnes, Driver, Farquharson,
Huntbach and McShea.**

BUSINESS MATTERS

1. MINUTES

Resolved:

That the minutes of the Council meeting held on 1st February 2006 and Special Council meetings held on 23rd February and 31st March 2006 be signed by the Mayor as correct records.

2. DECLARATIONS OF INTEREST

Councillor Hancock declared a personal and prejudicial interest in Agenda Item E4 - Request for the Transfer of Freedom to the Duke of Lancaster's Regiment, in the light of his honorary membership of the Queen's Lancashire Regiment.

3. COMMUNICATIONS FROM THE MAYOR, LEADER AND HEAD OF THE PAID SERVICE

The Mayor invited members present at the meeting to make a charitable donation in respect of Rossendale Hospice.

The Leader indicated that both he and the Mayor had been recently attended a private meeting involving Mary McAleese, the President of Ireland, who was visiting the Borough to celebrate the life and work of Michael Davitt. They had been pleased to welcome her to Rossendale.

The Leader also reminded Members that this was the last Council meeting before the local elections on 4th May 2006. He indicated that Councillor Marriott had recently resigned and that the following Members would not be standing again at the election:- Councillors Atkinson, Disley, Huntbach, McShea and Nicholass. He thanked them all for their important contribution to the work of the Council and wished them well for the future. All members joined in the vote of thanks.

There were no communications from the Chief Executive.

4. MEMBERS QUESTION TIME

Councillor Neal asked the following question:-

Why are there 14 vehicles for sale on the car park at Newchurch Road, opposite the Rose and Bowl?

The Leader replied that no reports had been received by the Traffic and Parking Manager of vehicles being sold on this car park in the last 4 weeks. However, when vehicles for sale were reported to the Traffic and Parking Manager on this or any other car park, immediate action was taken to get the vehicles removed.

It was noted that a vehicle which displayed a 'for sale' sign might well be in use by the owner for day to day activities. It was, therefore, important that the details of any vehicles 'for sale' were sent to the Parking Manager, as it was often difficult to identify vehicles that were not being used. However, following notification of this question the Parking Manager had visited the car park and found 2 vehicles with 'for sale' signs and would be contacting the vendors.

Councillor Neal asked the following question:-

The surface of the car park at Waterfoot is now becoming dangerous. Can the Council take some remedial action?

The Leader replied that he had personally visited this car park on several occasions. Temporary repairs to the surface of the car park had been carried out on 23rd March 2006. However, the surface still required major works. Funding had now been made available and officers of Engineering Services were putting together the tender documents to undertake reconstruction work and resurfacing work on the car park. Along with this work, additional lighting was to be installed as part of the improvement project.

Councillor Neal referred to the Leader's attendance at the opening of the Ball Park facilities in Whitworth and the financial contribution to the project made by the Town Council and asked the following question:-

Can the Leader outline what facilities are available for young people in Whitworth?

The Leader indicated that the County Council's Youth and Community Service had the principal responsibility for ensuring youth provision in Rossendale. There were various youth centres within Rossendale including the '515' Centre, in Market

Street, Whitworth. The following 7 sessions of youth work were undertaken each week at Centre 515.

- Rossendale East Teenage Mums' Group – (Monday, 11.30am-3.00pm)
- General Youth Club – (Monday, 7.30pm-10.00pm)
- General Youth Club – (Tuesday, 7.30pm-10.00pm)
- Rossendale East Teenage Mums' Group - (Wednesday, 11.30am-3.00pm)
- Girls Group – (Wednesday, 7.30pm - 10.00pm)
- Baby massage - with Health Visitors – (Thursday, 1.00pm-3.00 pm)
- Cybercafe – (Monday & Wednesday, 3.30pm-6.00pm)

It was understood that Cllr. Neal would be attending Centre 515 next Tuesday evening to go through a questionnaire with young people.

The Youth Provision Strategy MUGA (Multi-Use Games Area) and shelter were under construction near Massey Croft. Funding had just been approved for 3 years for a few hours a week on each of 4 Youth Provision sites in Rossendale, including Whitworth, of additional youth work and sports development. Details were still to be finalised.

There were also a number of voluntary groups who conducted activities within Whitworth. The Youth and Community Service had recently sent out a mailing to about 50 voluntary youth groups across Rossendale, including Whitworth. To date none of the Whitworth groups had registered with the County Council, but it was hoped that they would do so.

The Borough Council was also keen to engage with youths about Council Services.

On a related theme, Members were reminded that Paul Armitage, LCC Area Manager for Children's Social Care, would give a presentation to councillors on Tuesday 25th April 2006 on Children's Social Care and Looked After Children.

Councillor Neal asked the following question:-

Pensioners in Whitworth have expressed concern about the operation of the cash-card system. Can the Council seek clarification if the Government are going to remove the cash-card facility, as this will impact on many Rossendale residents? In the light of the loss of a number of local post offices in recent years and the absence of bank facilities in centres such as Edenfield, Crawshawbooth and Whitworth, would the Council be prepared to write to the Government to encourage it to ensure that existing numbers of post offices are maintained?

The Leader explained that people receiving certain benefits and state pension now had to access these through Direct Payment systems, whereby the money was paid into one of three types of account.

- Current account
- Basic bank account

- Post Office Card Account (POCA) (which was the subject of Cllr Neal's question)

The Post Office Card Account had been introduced in April 2003 to help support the conversion of some customers from pension books to Direct Payment. It had been aimed at those who did not already have a suitable bank/building society account and had been designed as a stepping stone to help people who had not used a bank account before to get used to banking before moving on to an account offering more features. The system allowed pensioners to take out cash over the counter free of charge at any Post Office branch using a plastic card and PIN number.

Councillor Neal was referring to the Government's stated intention not to renew the contract for the Post Office Card Account after 2010. The Government's view was that the account offered only limited facilities, did little for financial inclusion and did not provide good value for money. It had already started to implement pilot schemes from February 2006 to phase out the system by denying access to this account for new benefit claimants and to encourage several thousand customers to switch to basic or current bank accounts.

The National Federation of Sub-Postmasters saw this move as threatening the viability of thousands of Post Offices. The card account was used by around 4.3M people each week. They felt that the changes would reduce customer choice and would be imposed on customers without their consent. They believed that this might lead to Post Office closures, which would impact on both rural and deprived urban communities and might have a knock-on effect for other local shops.

In addition, there was some concern about accessibility given that basic bank accounts were not well publicised by the financial institutions and that current accounts might be difficult for pensioners to open because they required certain forms of identification, such as a driving licence or passport.

The Government had stressed that customers would still be able to collect their benefit and pensions at the Post Office by using their bank and building society account there. Cash could be obtained free of charge over the counter using card and PIN in much the same way as the POCA system. Around 25 different banks/building societies' accounts could be accessed through Post Offices, although it was acknowledged that not all banks/building societies offered this facility. The Government also anticipated that Post Office Limited would develop its own banking and savings products aimed at POCA customers.

The Council would continue to carefully monitor developments and to listen to the views of local pensioners. The Leader agreed to write to the Government to encourage it to ensure that existing numbers of post offices were maintained.

Councillor Forshaw asked the following question:-

Can the Leader let me have some information about the situation regarding Section 106 planning agreements? I understand that at the last meeting an assurance was given that a reply would be sent to Mulderrigs Solicitors on this matter. I would like to know the current position.

The Leader replied that the Head of Legal and Democratic Services had responded direct to Mulderrigs. Details of the reply would be sent to Councillor Forshaw.

Councillor Hancock indicated that he had received a number of complaints from residents about a lack of information about the new waste collection rounds. He asked if the Leader could ensure that the information was circulated to all residents. In addition, Councillor Disley requested that the letters should make clear the new arrangements and should remind residents about the appropriate container for each category of waste.

The Leader gave an undertaking that information would be distributed as widely as possible.

4. PUBLIC QUESTION TIME

A written question was submitted by Mr A Billingsley, on behalf of the Stoneyroyd Action Group, in connection with the Group's concerns about proposals by Green Corns to establish a care home for children with behavioural problems in Whitworth. At the meeting, Mr Billingsley provided an update to the Council in the light of a decision taken yesterday by Green Corns not to establish a home at the property in question. Accordingly, the question was amended as follows:-

'Would you investigate further the planning requirement and leaseholder issues for household properties in Rossendale, which might be purchased by the Rochdale based company Green Corns, for care of children with behavioural problems.'

The Group remained concerned at the apparent ease with which a care home could be established and the alleged poor relationship between the company and a number of other local authorities in whose areas the company operated. The Group had also expressed concern about lack of consultation and communication between the company and local residents. The Group requested appropriate measures be taken to control and monitor the activities of the company concerned.

The Leader thanked the Group for their question and indicated that he was aware of the situation in Whitworth. The legislation did not prevent any company from purchasing a property and using that property to carry on any lawful purpose, providing that appropriate planning requirements had been met.

As mentioned earlier, Paul Armitage, the Area Manager for Burnley, Pendle and Rossendale, Childrens' Social Care was due to meet Councillors later in the month to discuss issues regarding looked after children in Rossendale. It was understood that there were a higher than average number of out-of-authority placements of children into the Borough. Councillor Young clarified that the registration and inspection of care homes was the responsibility of the Commission for Social Care Inspection.

The Head of Legal and Democratic Services would provide a response to the Group on the matter of any relevant powers under the planning legislation. In addition, the Council would closely monitor the situation in respect of the establishment of care

homes and would ensure that any issues arising were referred to the appropriate agency. The Leader emphasised that the Council would strive, through its own powers and through its partners, to ensure that the needs of all children in the Borough were met.

ORDINARY BUSINESS

5. COMMITTEE SCHEDULE FOR 2006/07

Members considered the Schedule of Committee meetings for 2006/07 to enable preparatory work to be undertaken in respect of booking accommodation and the forward planning of Agendas. Councillor Graham, the Portfolio Holder for Member Development and Human Resources, highlighted the main patterns within the schedule of meetings, including the introduction of a summer recess.

In response to a question by Councillor Forshaw, the Leader confirmed that the Council diaries, which included committee meeting dates, would be published as soon as possible.

Resolved:

That the Schedule of Committee meetings for 2006/07 be agreed.

6. SCHEME OF MEMBERS' ALLOWANCES

Members considered the recommendations of the Independent Remuneration Panel held on 3rd April 2006, in respect of amendments to the 2005/06 Scheme of Members' Allowances and the proposed Scheme for 2006/07

Councillor Graham indicated that the reason for the proposed changes to the Scheme, was the introduction of executive arrangements in October 2005. She highlighted the main changes, which featured revisions to the duties for which a Special Responsibility Allowance would be payable, including the payment of allowances to Vice-Chairs.

Resolved:

1. To amend Schedule 1 of the Scheme of Members' Allowances 2005/06 to reflect special responsibilities of elected Members under the new Committee structure, details of which are set out at Appendix 2 of the report;
2. To amend Paragraph 10 of the Scheme of Members' Allowances 2005/06 to provide that co-opted Members be entitled to a Special Responsibility Allowance in circumstances where they are appointed to Chair a committee included in Schedule 1;
3. To amend Schedule 1 of the Scheme of Members' Allowances 2005/06 to include an allowance at 1 x basic allowance (£ 1, 939) for the Vice-Chairs of the two Overview and Scrutiny Committees and half the basic allowance for Vice-Chairs of the other Committees outlined in Schedule 1 (£ 969.50) as

outlined in Appendix 2;

4. That the amendments to the Scheme of Members' Allowances 2005/06 take effect from 1st October 2005;
5. That a Scheme of Members' Allowances for 2006/07 be adopted, which is unchanged from the 2005/06 Scheme as amended.

7. COUNCIL RESPONSE TO 'MAKING IT BETTER' CONSULTATION

Members were invited to endorse the response to the consultation on the reconfiguration of healthcare services for children, young people, parents and babies in Greater Manchester, East Cheshire, High Peak and Rossendale, submitted by the Leader of the Council on 31st March 2006.

The Leader confirmed that he had consulted the Leader of the Opposition about the content of the submission in order to meet the consultation deadline. Councillor Sandiford, as the Borough representative on the Lancashire Health Equalities Overview and Scrutiny Committee, had undertaken a significant amount of work on this matter. In summary, the Council supported an option which resulted in a fairer and more accessible site to the conurbations in the north of Greater Manchester.

Councillor Sandiford indicated that she had also served on a joint committee of North West local authorities to consider the issue. It was reported that Lancashire County Council, as a statutory consultee, had submitted its response, which was very supportive of Rossendale's position.

Resolved:

To endorse the response to the 'Making it Better' consultation, as submitted by the Leader of the Council on 31st March 2006.

8. REQUEST FOR THE TRANSFER OF FREEDOM TO THE DUKE OF LANCASTER'S REGIMENT

Members considered the request of the Queen's Lancashire Regiment to transfer the current Freedom of the Borough to the newly formed Duke of Lancaster's Regiment due to be formed on 1st July 2006.

Resolved:

That the Council agrees to the transfer of the Freedom of the Borough of the Queen's Lancashire Regiment to the newly formed "The Duke of Lancaster's Regiment (King's, Lancashire and Border)", to take effect from 1st July, 2006.

Note: Councillor Hancock left the meeting during consideration of the above item and took no part in the decision.

RECOMMENDATIONS TO COUNCIL

Cabinet - 29th March 2006

9. 2006/07 CAPITAL PROGRAMME

Members were informed that, at its meeting on 29th March 2006, the Cabinet had considered a report of the Head of Financial Services concerning the capital expenditure estimates and resources for 2006/07 and for the medium term 2007/08 to 2008/09. Councillor Ormerod, Portfolio Holder for Finance and Risk Management, outlined the main details of the report.

Resolved:

To approve additional Capital Programme for 2006/07 as detailed below:

Detail	£000's
Refuse Collection Vehicle Lease Buy out	277
Playgrounds (5 year programme pa)	50
Cemeteries (5 year programme pa)	30
Building Capital Programme (5 year programme pa)	200
Museum (4 year programme pa)	15
Upgrade Borough Car Parks (5 year programme pa)	30
Private Sector Housing Renewal (<i>in addition £685k funded from Housing Capital Allocation</i>)	177
Total	779

10. 2006/07 TREASURY MANAGEMENT AND ANNUAL INVESTMENT PROGRAMME

Members were informed that, at its meeting on 29th March 2006, the Cabinet had considered a report of the Head of Financial Services, together with the Annual Investment Statement for 2006/07. Councillor Ormerod, Portfolio Holder for Finance and Risk Management, outlined the purpose of the document, which set out the Council's strategy for borrowing and policy for investments.

Resolved:

To approve the Treasury Management Strategy and Annual Investment Statement for 2006/07.

Cabinet - 29th March 2006
Standards Committee – 30th March 2006

11. AMENDMENTS TO THE CONSTITUTION AND SCHEME OF DELEGATION

Members were informed that the Cabinet on 29th March and the Standards Committee on 30th March 2006 had considered a report of the Head of Legal and Democratic Services outlining additional powers for the Council under the Clean

Neighbourhoods and Environment Act 2005 and the Gambling Act 2005, together with proposals for changes to the Council's Constitution. The Leader outlined the main changes proposed. In addition, the Head of Legal and Democratic Services indicated that in order to provide flexibility within the Scheme of Delegation to Officers, the Chief Executive was seeking authority to delegate the areas of responsibility of any Head of Service to any other Head of Service.

Members discussed a number of issues in more detail including the anticipated environmental improvements through use of the additional enforcement powers and the implications of the changes in relation to Members' Questions. The Leader indicated that Constitution Working Group had been established, which might further consider the issue of Members' Questions.

It was **moved** and **seconded**:-

- “1. To amend the Constitution and Scheme of Delegation to officers contained within the Council's Constitution to include additional powers granted under the provisions of the Clean Neighbourhoods and Environment Act 2005/Anti Social Behaviour Act 2003 as detailed in Appendix A. Also to amend the Scheme of Delegation to introduce the powers contained within the Gambling Act 2005 as outlined at Appendix A.
2. To amend the confidentiality rules in light of the changes introduced by the Local Government (Access to Information) Variation Order 2006 as outlined within this report as outlined at Appendix B.
3. To amend the Constitution at paragraph 10 to add a procedure to provide for 'Questions by Members to the Leader'. Any such question asked by members at Full Council will be addressed to the Leader and answered by the Leader or in his absence the Deputy Leader or such other Cabinet member elected by them to answer the question submitted. Only questions should be submitted at this stage and statements should not be made by those asking the question.
4. To amend the Constitution at paragraph 10 to add a procedure to provide for 'Questions to Members of the Cabinet'. Any such question shall be in writing the member having given 3 clear working days notice to the Democratic Services Manager. The question to be answered by the Portfolio Holder.
5. That the agenda of all Full Council meetings will hear public questions before Member questions on notice. Paragraph 9.8 will be amended to provide that the Leader of the Council will determine which Cabinet member or officer will answer a particular question.
6. To amend Article 7 of the Constitution "Overview and Scrutiny Committee" to insert the words "act as an Audit Committee". The terms of reference for the Audit Committee will be:-

To oversee all arrangements for both the internal and external audit of the Council's accounts and financial records;

To consider and make recommendations to Cabinet on the accounts and to consider the following:-

The annual audit report and the management letter of the external auditor;

Any other statutory report of the external auditor;

Any internal audit report that may be referred by the Chief Executive, the Director of Finance, the Head of Legal and Democratic Services (as Monitoring Officer).

7. To establish an Accounts Committee. The terms of reference for the Accounts Committee will be:-

To approve the annual accounts and report of this Council (with delegated power);

To approve the Council's statement of accounts pursuant to regulation B(2) of the Accounts and Audit Regulations 1996.

The Leader /Deputy Leader /Portfolio Holder for Finance and Risk Management /Leader of the Opposition /Deputy Leader of the Opposition will constitute the Committee.

8. To amend the Scheme of Delegation to Officers to provide for the Chief Executive to delegate the areas of responsibility of any Head of Service to any other Head of Service."

The following **amendment** was **moved** and **seconded**:-

"That in respect of points 3 and 4 above ('Questions by Members to the Leader' and 'Questions to Members of the Cabinet') the following wording be inserted at the end of each paragraph:-

"Members asking a question will be allowed one follow-up question."

On being put the **amendment** was **lost** and it was:-

Resolved:

1. To amend the Constitution and Scheme of Delegation to officers contained within the Council's Constitution to include additional powers granted under the provisions of the Clean Neighbourhoods and Environment Act 2005/Anti Social Behaviour Act 2003 as detailed in Appendix A. Also to amend the Scheme of Delegation to introduce the powers contained within the Gambling Act 2005 as outlined at Appendix A.
2. To amend the confidentiality rules in light of the changes introduced by the Local Government (Access to Information) Variation Order 2006 as outlined

within this report as outlined at Appendix B.

3. To amend the Constitution at paragraph 10 to add a procedure to provide for 'Questions by Members to the Leader'. Any such question asked by members at Full Council will be addressed to the Leader and answered by the Leader or in his absence the Deputy Leader or such other Cabinet member elected by them to answer the question submitted. Only questions should be submitted at this stage and statements should not be made by those asking the question.
4. To amend the Constitution at paragraph 10 to add a procedure to provide for 'Questions to Members of the Cabinet'. Any such question shall be in writing the member having given 3 clear working days notice to the Democratic Services Manager. The question to be answered by the Portfolio Holder.
5. That the agenda of all Full Council meetings will hear public questions before Member questions on notice. Paragraph 9.8 will be amended to provide that the Leader of the Council will determine which Cabinet member or officer will answer a particular question.
6. To amend Article 7 of the Constitution "Overview and Scrutiny Committee" to insert the words "act as an Audit Committee". The terms of reference for the Audit Committee will be:-

To oversee all arrangements for both the internal and external audit of the Council's accounts and financial records;

To consider and make recommendations to Cabinet on the accounts and to consider the following:-

The annual audit report and the management letter of the external auditor;

Any other statutory report of the external auditor;

Any internal audit report that may be referred by the Chief Executive, the Director of Finance, the Head of Legal and Democratic Services (as Monitoring Officer).

7. To establish an Accounts Committee. The terms of reference for the Accounts Committee will be:-

To approve the annual accounts and report of this Council (with delegated power);

To approve the Council's statement of accounts pursuant to regulation B(2) of the Accounts and Audit Regulations 1996.

The Leader /Deputy Leader /Portfolio Holder for Finance and Risk Management /Leader of the Opposition /Deputy Leader of the Opposition will constitute the Committee.

8. To amend the Scheme of Delegation to Officers to provide for the Chief Executive to delegate the areas of responsibility of any Head of Service to any other Head of Service.

Standards Committee – 30th March 2006

12. CONSTITUTIONAL AMENDMENT IN RESPECT OF PLANNING APPLICATIONS ON COUNCIL OWNED LAND

Members were informed that, at its meeting on 30th March 2006, the Standards Committee had considered a report of the Head of Legal and Democratic Services arising from recommendations of the Review Team on Edgeside Park, following its consideration of issues relating to a planning application at Edgeside Park, Waterfoot.

Councillor Hancock and Sandiford spoke in support of the recommendations which would improve the transparency of decision making.

Resolved:

1. To agree a minor amendment to the Constitution/Scheme of Delegation to the effect that all planning applications on Council-owned land, by, or on behalf of the Council, its partner organisations or other agents, should be excluded from the Scheme of Delegation and determined by the Development Control Committee.
2. To amend the Scheme of Delegation to provide that applications for planning permission on behalf of the Council may be submitted by the Head of Service and in the case of applications on land owned by the Council by the Head of Legal and Democratic Services.

(The meeting started at 7.00 pm and concluded at 8.40 pm.)