

COUNCILLOR PETER STEEN MAYOR

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

Date of Meeting: 26th July 2006

**PRESENT: The Mayor Councillor P Steen (in the Chair)
Councillors Alcroft, A Barnes, D Barnes, L
Barnes, Challinor, Cheetham, Crosta,
Dickinson, Driver, Entwistle, Essex,
Farquharson, Forshaw, Gill, Graham,
Hancock, Haworth, Lamb, Lynskey, Morris,
Neal, Ormerod, J Pawson, S Pawson,
Robertson, Ruddick, Sandiford, Smith,
Starkey, H Steen, P Steen, Thorne and
Unsworth.**

**IN ATTENDANCE: Helen Lockwood, Deputy Chief Executive
George Graham, Executive Director of
Resources
Linda Fisher, Head of Legal and Democratic
Services
Julian Joinson, Democratic Services Manager**

APOLOGIES: Councillor Eaton

BUSINESS MATTERS

**Note: The meeting commenced at 8.15 pm due to the late running
of the preceding meeting.**

The Mayor and Members of the Council welcomed Councillor Hancock to his first meeting following the sudden onset of an illness. Councillor Hancock thanked all concerned for the gifts and well wishes he had received.

1. MINUTES

Resolved:

That the minutes of the Council meeting held on 12th April 2006 and the Special Council meeting held on 29th June 2006 be signed by the Mayor as a correct record.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. APPOINTMENTS TO COMMITTEES

Members considered the calculation of the revised political balance of the Council and its Committees, in the of light recent changes to the political composition of the Council. Members also considered the appointments to Committees, other Council positions and outside bodies so as to give effect to the wishes of the various political groups.

Resolved:

To approve the revised political balance of the Council's Committees and the changes to Members appointed to Committees, other positions and outside bodies set out at Appendices 1 to 3 of the report.

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

The Mayor reported with sadness the death of John Ormesher, the former Borough Treasurer of Rawtenstall Council prior to reorganisation and of Rossendale Borough Council until his retirement in 1983. In his earlier years Mr Ormesher had served in the Royal Airforce and had been a keen sportsman, having played football for clubs including Chelsea, Blackburn Rovers and Accrington Stanley. A letter of condolence had been sent to members of his family on behalf of the Council.

The Mayor reminded Members of two forthcoming charitable fund-raising events, a coffee morning on 9th September 2006 and a meal at Mario's on 18th September 2006.

There were no communications from the Leader of the Council or from the Deputy Chief Executive.

Note: Councillor Lynskey left the meeting following this item.

5. PUBLIC QUESTION TIME

The following question had been submitted in writing prior to the meeting by Mr A Billingsley on behalf of the Stoneyroyd Action Group, The matter concerned the establishment of children's homes generally in Rossendale, following an initial proposal by Green Corns to set up a home in Stoneyroyd, Whitworth, which had now been withdrawn.

“Since we made the Council aware in April of the problems this type of practice has caused throughout the country, has the Council or its officers done any research into this practice so as to be able to come up with a view on the situation.

Given the amounts of extremely serious problems residents living adjacent to these types of properties have experienced and the lengthy proceedings councils have had to deal with, what is the Council’s strategy in dealing with this type of incident.

We formally ask for a an update on what was the outcome of the proposed meeting which the Chief Executive was to set up a regarding this issue.”

The Leader thanked the Action Group for their question about the issue of children’s care homes. He reminded Members that a similar question from the Stoneyroyd Action Group had been submitted to the Council on 12th April 2006. At that time the Council had given an undertaking to monitor the situation in respect of the establishment of care homes and to ensure that any issues arising were referred to the appropriate agency. The Council had not subsequently been made aware of any specific incidents arising.

The Council had no powers to ban Green Corns, or any other organisation like them, from buying properties in its area, or from applying for planning permission where this was required. The Council had to consider any such planning applications on their merits based upon planning considerations only. However, it could take enforcement action in situations where it was deemed appropriate to do so.

Residents’ concerns that they might be adversely affected by the behaviour of certain children, might be relevant to issues about the quality and standard of care being provided by the home. The responsibility for registration and inspection of care homes fell to the Commission for Social Care Inspection (CSCI).

It was believed that the Action Group had misunderstood the nature of the meeting which the Council had proposed to set up. This was not to consider a strategy regarding this type of children’s care home, but to provide an information session for councillors, lead by the Area Manager for Children’s Social Care at Lancashire County Council.

That session had helped the Council to gain an understanding of children’s social care issues for Lancashire children. The session had also provided an outline of the levels of provision in independent children’s homes in Rossendale, of which there were 12 homes with approximately 50 places. It was acknowledged that many of those places were taken up by children not from Lancashire. The well-being of those children was the responsibility of the ‘placing’ authority.

At the session Members had also gained a better understanding of where Rossendale Borough Council could make a positive contribution to targets within the Government's Every Child Matters agenda, such as having safe and accessible places where children and young people could play and socialise.

In view of the fact that no member of the Action Group was present, the Leader agreed to send a written reply to Mr Billingsley.

5. QUESTIONS BY MEMBERS TO THE LEADER

Councillor Neal asked the following question:-

In respect of bins on the street and on lampposts, why has the service of emptying bins on the street deteriorated in the last six months?

The Leader replied that all litter bins were currently emptied on at least the same frequency as in previous years. Town and district centres were emptied daily and all other locations were emptied at least once per week. In addition to this, in all areas manual litter pickers were currently emptying full or near full bins on their daily routes, and placing bags at collection points.

This was in effect an increase on previous frequencies for emptying of bins.

There were some issues to be addressed in relation to the capacity of highway litter bins in relation to the level of maintenance required and resources within the department to effect more frequent emptying. However, there had been no indication in terms of complaints received that the service had deteriorated in the period highlighted.

Councillor Neal asked the following question:-

Why are Green Vale Homes' tenants in Whitworth ringing up about having being promised new doors and windows and now being told that they can't have them?

The Leader indicated that Green Vale Homes had responded that they were committed to involving their customers in decision making at the earliest possible stage. The programme that had included the replacement windows on the Wallbank Estate had been a very early draft of the improvement programme. In response to feedback Green Vale Homes had altered the programme to ensure that all of the houses, rather than some of the houses on the estate, received kitchens in the first five years of the improvement programme. This had led to around 150 more kitchens being provided to tenants than had originally been planned.

The windows on the Wallbank Estate, whilst not double glazed, were UPVC and in response to consultation Green Vale Homes had prioritised the replacement of timber frames that were increasingly rotting first.

Councillor Neal asked the following question:-

Why are members of staff of Green Vale Homes trying to empty Brookville by stealth?

The Leader replied that Green Vale Homes owned only half of the Brookville site, the remaining portion being owned by Lancashire County Council. There had been provisional discussions about the future of the whole site and redevelopment of the whole site for extra care sheltered housing had received a favourable response from all parties. However, this was far from being concluded or finalised. For example the costings and funding for any such scheme had yet to be looked at. This would take some time to develop.

In the meantime, Green Vale Homes were concerned about the security and well being of their tenants. It was on that basis that Green Vale had contacted all of the remaining tenants in the scheme to offer them the opportunity to move to other accommodation.

Councillor Crosta asked the following question, in the light of a serious incident which she had witnessed:-

Is there anything that the Council can do to ensure the safety of bus drivers by putting up some safety screening?

The Leader explained that the Council was working hard in conjunction with its partners, such as the Police and County Council, to minimise crime and anti-social behaviour in the valley, through a combination of education, deterrent and by supporting the economic well-being of its residents. The Leader also acted as chair of the local Crime and Disorder Reduction Partnership.

Health and safety concerns in respect of the travelling public and bus drivers were a matter for the individual bus operators. Officers had recently written to Rossendale Transport to enquire about the measures in place to ensure the safety of its bus drivers. The Leader agreed to forward any response received to Councillor Crosta.

Councilor Sandiford asked whether the Leader shared her concerns at the recent report in the Free Press concerning the possible closure of Haslingden Fire Station and the loss of this vital service.

The Leader confirmed that the Fire and Rescue Service was considering options for change as part of a wide ranging review of provision across Lancashire. It was anticipated that a twelve week's consultation period would commence at the end of August 2006. The Borough Council would have an opportunity to debate the issue fully and to respond at that time. The Leader was equally concerned about the possible loss of services.

Councillor A Barnes enquired about the current position regarding the application by CNC to develop Rawtenstall Town Centre.

The Leader responded that the application was currently being worked on and should be available shortly. The Deputy Leader indicated that he had recently received a draft press release from the developers, which indicated that they were proposing to erect a display in a town centre shop during August to obtain feedback from the public before any planning application was submitted. The application was then expected to be received at the end of August 2006.

6. QUESTIONS TO MEMBERS OF THE CABINET

No written questions had been submitted for response by Members of the Cabinet.

RECOMMENDATIONS TO COUNCIL

Cabinet - 7th June 2006

7. CHANGES TO PEST CONTROL DELIVERY IN ROSSENDALE

Members considered a report of the Head of StreetScene and Liveability on proposals to enter into a partnership with two other local authorities (Bury and Rochdale) to offer an improved service delivery for pest control at a reduced cost to Rossendale Borough Council. Councillor Driver, Portfolio Holder for StreetScene and Liveability highlighted the main elements of the report, including the agreement of staff to their proposed redeployment.

Councillor Neal raised the matter of black bags left out which might give rise to a pest problems. Councillor Lamb asked whether financial assistance could be provided for people who could not afford the various fees for pest control. The Portfolio Holder responded that the service dealt with a wide range of pests. However, there were no proposals to increase fees as a result of the changes, although the concerns about affordability for those less off were understood.

The Council was informed that the Cabinet had made the following decisions:-

1. That Full Council be recommended that partnership agreements be concluded for the provision of Pest Control Services with Bury Metropolitan Borough Council and Rochdale Metropolitan Borough Council effective from 1st August 2006.
2. That the terms of the agreements be agreed by the Head of Legal and Democratic Services in consultation with the portfolio holder for Street Scene and Liveability prior to presentation to Full Council.
3. That the operational boundary between the two partners be set at Waterfoot.
4. That the resources freed through the saving in excess of the budgeted amount be initially held as a contingency sum within the Streetscene and Liveability budget.

Resolved:

That partnership arrangements be concluded for the provision of Pest Control Services with Bury Metropolitan Borough Council and Rochdale Metropolitan Borough Council effective from 1st August 2006.

8. COMPLETION OF HOUSING STOCK TRANSFER

Members were informed that the Cabinet, at its meeting on 7th June 2006, had considered a report of the Executive Director of Resources on the final terms of the Stock Transfer process and proposals to utilise the final resources flowing to the Council in accordance with the Medium Term Financial Strategy. The Leader reminded Members that, on 23rd February 2006, the Council had delegated the decisions in relation to the final terms and conditions to the Chief Executive in consultation with the Leader. The report outlined the decisions taken and set out the uses for the capital received. Individual proposals for future expenditure would be put to the Cabinet at the relevant time.

Councillor Neal enquired whether Green Vale Homes would be responsible for the upkeep of the estate roads, which it was contended had previously been brought up to adoption standard. He referred to a court case decision which indicated that liability for transferred roads might still lie with the relevant local authority. The Head of Legal and Democratic Services responded that the Council was aware of the relevant case law. The Council had provided Lancashire County Council with a schedule of the roads for which it was believed that they were responsible. She agreed to keep Councillor Neal informed of any progress.

Councillor A Barnes thanked the Executive Director of Resources for the report which had benefited the Council and its tenants alike. The Leader added that both Green Vale Homes and the Council were happy with the outcome of the transfer process, which had been successfully negotiated.

The Council was informed that the Cabinet had made the following decisions:-

1. That the final terms of the Transfer Agreement with Green Vale Homes and the actions taken by the Chief Executive under the delegated powers granted to her at the meeting of Full Council on 23rd February 2006 be noted.
2. That Full Council be recommended utilise the resources flowing from the Transfer Agreement as set out in Appendix 2 of the report.
3. That the transitional services being provided to Green Vale Homes by the Council be noted.

Resolved:

To utilise the resources flowing from the Transfer Agreement as set out in Appendix 2 of the report.

Cabinet - 5th July 2006

9. MEMBER DEVELOPMENT STRATEGY

Members were informed that, at its meeting on 5th July 2006, the Cabinet had considered a report of the Head of Legal and Democratic Services in respect of the Member Development Strategy 2006/07 and the associated Action Plan. Councillor Graham reported that the Strategy had been based upon an evaluation of training needs and that this had led to a shift towards more internally focused workshops. In addition, the Council was pursuing the Member Development Charter awarded by the North West Employers Organisation.

Councillor Sandiford welcomed the document, which acknowledged the large amount of time spent by Members on personal development. The Leader congratulated the Portfolio Holder for her success in achieving for the Authority a commendation under the Municipal Journal Awards and for the recognition of being asked to speak at a Local Government Association seminar held in Leeds in March 2006.

Councillor Neal asked the Council to recognise the efforts of staff who had contributed to the production and delivery of the Member Development Strategy and Programme. Councillor A Barnes reiterated that Rossendale councillors were amongst the most trained in the country.

Resolved:

To adopt the Member Development Strategy for 2006/07 and associated Action Plan.

10. EXCLUSION OF THE PUBLIC AND PRESS

No decision was taken to exclude the public and press.

Cabinet - 7th June 2006

11. REFUSE VEHICLE PROCUREMENT AND MAINTENANCE

Members were informed that, at its meeting on 7th June 2006, the Cabinet had considered a joint report of the Head of StreetScene and Liveability and the Head of Legal and Democratic Services concerning the inclusion of a receipt in the Capital Programme following the outcome of the tendering process for replacement vehicles and approval of a preferred bidder. Councillor Driver reported that action had been required as the current vehicle fleet was not fit for purpose.

Councillor A Branes asked how the new vehicles would improve the service. Councillor Driver responded that the old vehicles were often mechanically unreliable and were unsuitable for some routes. In addition, the move towards recycling required specialist vehicles.

The Council was informed that the Cabinet had made the following decisions:-

1. That Nobletts Limited be appointed as preferred bidder for the supply of vehicle and maintenance as detailed in the report.
2. That agreement of the final contract be delegated to the Head of Street Scene and Liveability, Head of Financial Services and Head of Legal and Democratic Services in consultation with the Portfolio Holders for Street Scene and Liveability and Finance and Risk Management.
3. That the virement of £61,000 between services within Street Scene and Liveability be agreed.
4. That Full Council be recommended to incorporate into the Capital Programme a further scheme for Capital equipment replacement financed by the receipt for vehicle disposal.

Resolved:

To incorporate into the Capital Programme a further scheme for Capital Equipment Replacement financed by the receipt for vehicle disposal.

Cabinet - 5th July 2006

12. CIVIC FACILITIES AND LONGER TERM ACCOMMODATION STRATEGY

Members were informed that the Cabinet, at its meeting on 5th July 2006, had considered a report of the Executive Director of Resources outlining proposals for the provision of interim civic facilities, together with details of the objectives of a longer term accommodation strategy aimed at centralising the Council's accommodation on a single site.

The Council was informed that the Cabinet had made the following decisions:-

1. That approval be given to entering into a lease for the Mill Suite at Hardman's Mill on the terms set out in the confidential appendix to the report with agreement of the final terms being delegated to the Head of Legal and Democratic Services in consultation with the Portfolio Holder for Finance and Risk Management.
2. That Full Council be recommended to approve the allocation of £39,450 pa of unallocated capital resources for the next three years for capitalised building maintenance expenditure, together with one off capital expenditure of up to £25,000 for works and fitting out at Hardman's Mill.
3. That the virement of the resources freed through the capitalisation at 2 above, to meet the running costs of the interim civic facility at Hardman's Mill be approved.
4. That a Member Working Group comprising three Conservative and two Labour members be appointed to oversee the development of plans for a unified accommodation solution for the Council.

The report was also the subject of a call-in which had been considered at a meeting of the Audit and Performance Management Overview and Scrutiny Committee immediately prior to full Council. The Head of Legal and Democratic Services reported that that Committee had determined to take no further action. It had noted that the correct procedures had been followed and that the matters at items 2) and 3) above were decisions for full Council since they were outside the budget and policy framework.

In response to a question by Councillor Alcroft, the Head of Legal and Democratic Services explained that the decision to enter into a lease, although linked to the decisions regarding financial approval and virement, was possibly within the powers of Cabinet and was not a key decision since it fell outside of the definition of such in respect of its value. The Executive Director of Resources clarified that if the funding was not approved the decision to enter into the lease would automatically fall, therefore, all matters were inextricably linked and should not be separated .

It was **MOVED** and **SECONDED**:-

- “1. That approval be given to entering into a lease for the Mill Suite at Hardman’s Mill on the terms set out in the confidential appendix to the report with agreement of the final terms being delegated to the Head of Legal and Democratic Services in consultation with the Portfolio Holder for Finance and Risk Management.
2. To approve the allocation of £39,450 pa of unallocated capital resources for the next three years for capitalised building maintenance expenditure, together with one off capital expenditure of up to £25,000 for works and fitting out at Hardman’s Mill.
3. To approve the virement of the resources freed through the capitalisation at 2 above, to meet the running costs of the interim civic facility at Hardman’s Mill.
4. That a Member Working Group comprising three Conservative and two Labour members be appointed to oversee the development of plans for a unified accommodation solution for the Council.”

Councillor Neal raised the matter of the Hardman’s Mill site not being on a bus route. He referred to the two venues in the report:-

- a) The Mill Suite, Hardman’s Business Centre, Rawtenstall; and
- b) Old Methodist Chapel, Bacup Road, Cloughfold

The following **AMENDMENT** was **MOVED** and **SECONDED**:-

“Whilst there are two venues being looked at, it is considered that venue a) is insufficient for the Council’s needs and that venue b) has a larger floor area. Accordingly, the matter be referred back to Cabinet to enable them to consider venue b) and to make a further recommendation to Council.”

On being put the **AMENDMENT** was **LOST** and it was:-

Resolved:

1. That approval be given to entering into a lease for the Mill Suite at Hardman’s Mill on the terms set out in the confidential appendix to the report with agreement of the final terms being delegated to the Head of Legal and Democratic Services in consultation with the Portfolio Holder for Finance and Risk Management.
2. To approve the allocation of £39,450 pa of unallocated capital resources for the next three years for capitalised building maintenance expenditure, together with one off capital expenditure of up to £25,000 for works and fitting out at Hardman’s Mill.
3. To approve the virement of the resources freed through the capitalisation at 2 above, to meet the running costs of the interim civic facility at Hardman’s Mill.
4. That a Member Working Group comprising three Conservative and two Labour members be appointed to oversee the development of plans for a unified accommodation solution for the Council.

(The meeting started at 8.15 pm and concluded at 9.20 pm.)