

COUNCILLOR PETER STEEN MAYOR

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

Date of Meeting: 27th September 2006

**PRESENT: The Mayor Councillor P Steen (in the Chair)
Councillors Alcroft, Challinor, Cheetham,
Crosta, Dickinson, Driver, Eaton, Entwistle,
Essex, Farquharson, Forshaw, Haworth,
Lynskey, Morris, Neal, Ormerod, Robertson,
Ruddick, Sandiford, Smith, Starkey, H Steen,
Thorne and Unsworth.**

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

**APOLOGIES: Councillors A Barnes, D Barnes, L Barnes,
Gill, Graham, Hancock, Lamb, J Pawson, S
Pawson and Swain.**

BUSINESS MATTERS

1. MINUTES

Resolved:

That, subject to an amendment at page 1 to include Councillor Swain in the list of those present at the meeting, the minutes of the Council meeting held on 26th July 2006 be signed by the Mayor as a correct record.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

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

The Mayor reported that some £700 had been raised for the Mayor's Charity at two events held recently. A sponsorship form was also being circulated this evening.

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

4. PUBLIC QUESTION TIME

There were no questions submitted by members of the public.

5. QUESTIONS BY MEMBERS TO THE LEADER

Councillor Entwistle asked the following question:-

With the accepted added costs of around £1000.00 for each and every day accumulating, due it would seem to the fact that our refuse collection vehicles have to journey to dispose of their loads could you advise:-

- (i). How much so far this system has cost the charge payer of Rossendale;
- (ii). How much is it expected to cost before we are able to undertake an 'in house' facility;
- (iii). What are the present hours undertaken per day / per week actually collecting from the residents within the borough./ Disposing of the collected waste;
- (iv). What is the time undertaken and the cost per operating vehicle per hour of operating the collecting process.
- (v). What % of the total time and cost of waste collection is related to administration and management (grot finders) against that of actual collection and disposal (grot movers)?

The Leader responded that it had not been possible to provide detailed figures for the meeting. He reminded Councillor Entwistle that the Council was not the waste disposal authority and that Rosendale had no powers to provide this function in-house. Lancashire Council Council arranged for the disposal of waste and the location of landfill sites was a matter for them. However, Rossendale was looking at the possibility of siting a waste transfer station within the Borough, which would help to ease the current situation. A full reply would be provided as soon as possible.

Councillor Entwistle asked the following question:-

The Forward Plan indicates that an evaluation of leisure provision, including Rossendale Leisure Trust, is to be carried out and that consultation will be determined by consultants. Can the Leader indicate what progress has been made in relation to this review and whether the outcome will be reported to the Council?

The Leader replied that the report by the Consultants, PMP, was currently in draft form and had been made available to the relevant Portfolio Holder and other Cabinet Members. A presentation was due

to be made to the Conservative Group next week. The formal recommendations would then be presented to the Cabinet in October 2006.

Councillor Entwistle asked the following question:-

In view of the anticipated plans by Arup in respect of the redevelopment of Rawtenstall Town Centre, will the Leader consider deferring the decision to dispose of the Robert Street site until after firm proposals have been received and the future of the site is more clear?

The Leader indicated that he would not defer the disposal of the site. The Robert Street Depot was not within the Rawtenstall Area Action Plan Area. Therefore, Arup would not be making any proposals in relation to the future of the site.

Councillor Crosta asked the following question:-

Can the Leader advise if the Council has received any letters of appreciation from its Residents?

The Leader replied that the Council often received compliments. He illustrated this with a number of recent examples including a letter thanking the NEAT Team for tidying Haslingden Cemetery. The Council had also received letters of thanks in connection with the provision of brown bins; grounds maintenance and the Street Sweepers.

Councillor H Steen asked the following question:-

Now the disregard for War Pensions in calculating Council Tax has been restored can the Leader of the Council give an assurance that this will stay as long as we have a Conservative controlled Council?

The Leader responded that he was pleased that this scheme had been reinstated at Cabinet last week. The Scheme would continue as long as government legislation permitted it to do so. The Council was pleased to be able to contribute to the welfare of servicemen and their families.

Councillor Farquharson asked whether the Leader would join her in congratulating the staff and Members who had worked on reinvigorating the Council's Tourism Services, which had resulted in the Tourism website receiving a commendation.

The Leader confirmed that he was delighted to see that the quality Tourism Services had been so recognized. Since the closure of the Kay Street Offices the Service had continued to improved.

Councillor Haworth enquired about the proposals for the new Valley Centre. He asked at what stage the planning application currently was and when formal consultations would commence.

The Leader stated that the Council was working tirelessly to bring the proposals to fruition. The formal planning application was not the Council's, but would be submitted by CNC. That company had already undertaken some preliminary consultations with the public and had displayed their initial concept in a vacant unit in the existing shopping Centre. Some feedback had been received and this would lead to further refinement of the designs.

The Council would like to see a formal planning application by Christmas 2006 and the Chief Executive had been asked to raise this with CNC. The Leader had previously indicated that the application would be subject to the widest consultation possible, both with the public and elected Members. However, Members of the Development Control Committee would not be in a position to discuss the merits of the application before formally considering the case. As the new Centre was intended to last for at least 60 years, all involved were keen to hear a wide cross-section of views.

Councillor Essex asked if the Leader would join him in congratulating the thousands of students in Rossendale for their hard work, which had led to the achievement of some excellent examination results. Rossendale's GCSE results had been amongst the best in East Lancashire. This could be attributed to not only to the pupils, but also to the support they had received from their families and schools.

The Leader confirmed that he would be pleased to celebrate the achievement of pupils in Rossendale. Although the Borough was not the local education authority, the Council did have a role to play in the well-being of its young citizens. Rossendale had been the first district in Lancashire to approve a Young People's Strategy and the Council was committed to working with young people.

Councillor Neal asked the following question:-

In respect of the Council's power under s 215 of the Town and Country Planning Act 1971 to carry out remedial works and apply a charge to the property, the former Conservative Club in Market street, Whitworth had been in a poor state of repair for some considerable time. Could the Leader request that Legal Services Section take appropriate action under this provision?

The Leader thanked Councillor Neal for bringing this property to his attention. He confirmed that the Council would initially work with the owners of such properties to encourage them to put the buildings in order. Only if this was unsuccessful would the Council use its powers under s 215. The Authority had recently written to the owners of a

large number of premises which was the first stage in tackling these issues.

The Head of Legal and Democratic Services indicated that the property in question was known to officers, and may have been included on the list of properties being dealt with under s 215. However, a notice had been previously served on the property under different legislation. An item elsewhere on the agenda would seek authority for a change to the Constitution to delegate the power to obtain information as to certain interests in land to officers.

Councillor Smith asked if the Leader would consider the leasing of the greenhouses in Stubbylee Park to a community group and the development of Council land in Edenfield for community use.

The Leader agreed to support these proposals. He reminded Members that as part of the Budget process the Council had noted the existing community use of the greenhouses and had offered to work with any group to secure their continued operation. Officers had worked hard to develop these arrangements. The Edenfield Community Association had submitted proposals to redevelop the local hall. This was a good example of local people working together to improve their community. The scheme would not cost the council anything directly and the land in question was unsuitable for any other use.

Councillor Sandiford asked the following question:-

In view of the recent announcements in respect of the consultations on Mental Health and 'Meeting Patients' Needs' which have resulted in a range of local services being lost to hospitals further away from Rosendale, does the Leader agree that this Council needs to pursue a local Rossendale Hospital to provide local care facilities.

The Leader responded that he was disappointed that the Health Authorities concerned had not taken Rossendale's concerns on board. The Council was committed to keeping up the pressure on the various NHS Trusts. The Council would monitor the situation closely to ensure that local people did not suffer and that the Health bodies were held accountable for any promises made. The Council wished to see a Community Hospital developed in Rossendale as soon as possible.

Councillor Dickinson asked if the proposed recalculation of the Council's standing under Comprehensive Performance Assessment (CPA) was proof that the Council had improved and was ready to shed its 'Worst Council' tag.

The Leader replied that the Cabinet had recently decided to apply for reassessment of its CPA rating. The Audit Commission had taken some time to determine the new process, but this had now been

agreed. The first wave of authorities would be reassessed next year and Rossendale was ready to be included.

Councillor Robertson asked if the Council could use its powers under s 215 in respect of the Valley Centre and Astoria, given the number of complaints about their appearance.

The Leader indicated that he had already given a full reply about the Council's powers under this provision. It would not be reasonable to expect the owner to incur expenditure renovating a property which was scheduled to be demolished shortly. The Council was working hard to ensure that a planning application was submitted to Development Control soon.

Councillor Forshaw asked if the Leader had be satisfied with the way in which the Town Centre redevelopment plans had been displayed in a shop window in the Valley Centre. The display boards were positioned too low for people to view comfortably. She suggested that the shop should also have been open to the public.

The Leader indicated that the applicant had gone further than most in providing access to its plans by the public and that criticism was unfair. The developers had gained some useful information from this process and additional public consultations would follow.

Councillor Alcroft asked if the Leader had received any strong views from the public about the Valley Centre proposals.

The Leader responded that it would be inappropriate to comment on individual views expressed. However, the developer had already learnt from the initial consultations.

6. QUESTIONS TO MEMBERS OF THE CABINET

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

RECOMMENDATIONS TO COUNCIL

Standards Committee - 22nd August 2006

7. AMENDMENTS TO THE CONSTITUTION

Members considered a report of the Head of Legal and Democratic Services concerning an amendment to the Terms of Reference of the Standards Committee. The report proposed a minor change, which recognised that the approval of the Council's Annual Statement of Accounts was now a function of the Accounts Committee.

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

- To note the existing terms of reference;
- To recommend the Council that paragraph (i) of Appendix 1 “Consider and approve the Statement of Accounts” be deleted.
- To request that the Head of Legal and Democratic Services provide a copy of the anticipated Audit Commission report to a future meeting of the Committee.

The Head of Legal and Democratic Services indicated that a further amendment was being sought to delegate to the relevant Heads of Service, the Council functions at paragraph 4.02 (i) (p) and (q) of Part 2 of the Constitution, in relation to the obtaining of information under s 330 of the Town and Country Planning Act 1990 and under s 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Resolved:

1. That paragraph (i) of Appendix 1 to the report “Consider and approve the Statement of Accounts” be deleted.
2. That the Council functions at paragraph 4.02 (i) (p) and (q) of Part 2 of the Constitution, be delegated to the Heads of Service.

8. APPROVAL OF A PROCEDURE FOR LOCAL STANDARDS HEARINGS

Members considered a report of the Head of Legal and Democratic Services in connection with a procedure for Local Standards Hearings.

Members were informed that the Standards Committee had discussed a number of issues including the procedure for the selection of a Panel Chair; the numbers of Panel Members required; possible disqualification criteria (such as the disqualification of councillors from the same ward as the Member who was the subject of the allegation); and the need for training including specialist training for Chairs. The Head of Legal and Democratic Services had agreed to draft some guidelines about which Members should be disqualified from serving on a particular Standards Board Panel. It was also envisaged that a Standards Board Panels of three or five Members would be utilised. A Panel of five Members would normally be convened where the hearing was likely to be lengthy, so as to allow the Panel to continue to meet after any unexpected withdrawal of a Panel Member.

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

- To agree the adoption of the procedure for Local Standards Hearings, as set out at Appendix 1 of the report;
- To recommend the Council to establish a pool of Members comprising the whole of the Standards Committee from which a Standards Board Panel of 3 may be drawn to consider cases into alleged breaches of the Codes of Conduct.
- That the quorum of a Standards Board Panel be three Members.

Resolved:

1. To approve the establishment of a pool of Members comprising the whole of the Standards Committee from which a Standards Board Panel of 3 may be drawn to consider cases into alleged breaches of the Codes of Conduct.
2. That the Chair of each Panel be shall normally be an independent member of the Standards Committee.
3. That the selection of the members of individual Panels be delegated to the Head of Legal and Democratic Services.

Cabinet - 19th September 2006

9. RECOMMENDATIONS OF THE CABINET

There were no recommendations to Council arising from the meeting of the Cabinet on 19th September 2006.

10. APPOINTMENTS TO THE CABINET

Members considered an oral report of the Leader of the Council concerning an increase in the size of the Cabinet from 6 Members to 8, with immediate effect. Councillors Essex and Smith were nominated to fill the two vacancies on the enlarged Cabinet.

Resolved

1. That the Cabinet be increased in size with from 6 to 8 Members with immediate effect.
2. The Councillors Essex and Smith be appointed to serve on the newly enlarged Cabinet.

NOTE: The Mayor considered that the following item was urgent on the grounds that revised arrangements were required to be introduced with immediate effect in order to improve the effectiveness of the Council's overview and scrutiny arrangements. However, the next meeting of the Council was not until 30th November 2006.

11. REVISED ARRANGEMENTS FOR THE OVERVIEW AND SCRUTINY COMMITTEES

Members considered a paper which set out proposals for revised overview and scrutiny arrangements, comprising an Overview and Scrutiny Management Committee and standing Task Groups on the following themes:- Policy Development; Performance; and Audit.

The report also contained draft Terms of Reference for the four bodies proposed, together with the membership details and dates of meetings. Existing Review Groups and Task and Finish Groups were also shown for information.

Councillor Sandiford, Chair of the current Overview and Scrutiny Committees, reported that the proposals were to ensure that this important function was more Member led. Smaller Task Groups and Task and Finish Groups would be better able to focus on gathering and reviewing information. An overarching Overview and Scrutiny Management Committee would oversee the work of the various Task Groups.

The new arrangements were initially to be piloted for a period of four months. It was also intended to carry out a number of reviews in the future which were outside Rossendale's own services, such as Green Vale Homes and the Fire Service.

The Council's innovative approach to overview and scrutiny was now being recognised by other authorities at networking events. The Committee Services Manager and the Overview and Scrutiny Officer were thanked for their hard work.

Resolved:

1. To approve the pilot for revised overview and scrutiny arrangements on the basis set out in the report.
2. To agree the establishment, membership, Chairs, Terms of Reference and dates of meetings of the Overview and Scrutiny Management Committee, Policy Development Task Group, Performance Task Group and Audit Task Group.
3. To agree that any changes to the membership of the Committee and Task Groups, in light of the appointments to the Cabinet and any other consequential changes be delegated to the Head of Legal and Democratic Services.

(The meeting started at 7.00 pm and concluded at 8.15 pm.)