

COUNCILLOR JOYCE PAWSON DEPUTY MAYOR

MINUTES OF: THE COUNCIL OF THE BOROUGH OF ROSSENDALE

Date of Meeting: 31st January 2007

**PRESENT: The Deputy Mayor Councillor J Pawson (in the Chair)
Councillors A Barnes, Challinor, Cheetham, Crosta,
Dickinson, Essex, C Gill, P Gill, Graham, Hancock,
Haworth, Lamb, Lynskey, Morris, Neal, Ormerod,
S Pawson, Robertson, Ruddick, Sandiford, Smith,
Starkey, Swain and Thorne.**

**IN ATTENDANCE: Ms C Wilkins, Chief Executive
Mr G Graham, Executive Director of Resources
Mr W Lawley, Interim Legal and Democratic Services
Manager
Mr J Joinson, Democratic Services Manager**

**ALSO PRESENT: County Councillor S Serridge
Mr D Jackson, Clerk to Whitworth Town Council
3 Members of the public
2 Representatives of the Press**

**APOLOGIES: Councillors Alcroft, D Barnes, L Barnes, Crosta,
Driver, Eaton, Entwistle, Farquharson, Forshaw,
H Steen, P Steen and Unsworth.**

BUSINESS MATTERS

1. MINUTES

Resolved:

That the minutes of the Council meeting held on 30th November 2006 be signed by the Deputy Mayor as a correct record.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

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

The Leader of the Council informed Members that during the recent severe weather the roof at Haslingden Sports Centre had suffered significant damage. He thanked the Leisure Trust staff for their quick thinking and courage in evacuating the customers from the premises safely. Members of the Council commended the Sports Centre staff for their actions.

There were no communications from the Deputy Mayor or Chief Executive.

4. PUBLIC QUESTION TIME

There were no questions submitted by Members of the Public.

5. QUESTIONS BY MEMBERS TO THE LEADER

Councillor Hancock asked the following question:-

What is the total expected cost of not being able to use the Council Chamber at Hardmans Mill including the rental charges of rooms and what is the expected cost of work as required by the Council to conform to the planning permission and the Disability Discrimination Act?

The Leader replied that the total number of meetings which had been rearranged from Hardmans Mill to alternative venues was 14. The additional cost of venue hire was expected to amount to around £900. This was a relatively low figure as the Council had rights to use the facilities at Whitworth free of charge. The cost was also offset by reduced running costs elsewhere. The alternative, to have delayed the opening of the Council Chamber, would have resulted in similar costs.

The cost to the Council of the installation of the toilet for disabled people was £2,250. The cost of the ramp was expected to amount to £23,000 and Council officers were negotiating with the contractor/landlord over an offer of a contribution towards the cost of the facility which would clearly make the building more marketable in the longer term.

Councillor Hancock then asked a further question as follows:-

Will the Council look at dealing with confidential items as Part A and B. Part A to deal with items of the report which are not confidential and Part B to deal with sections of the report which are restricted. This will enable the public and the press the access to non confidential parts of the report.

The Leader responded that it had always been the practice to query why an item should be taken in private and to assess whether the private information could be provided on a separate sheet to enable the substantive report to be made public. However, for most reports the main thrust of the report was private and it would not be possible to separate out this information. The Leader agreed to consider further the specific points raised by Councillor Hancock.

Councillor Essex indicated that he had visited the One Stop Shop last week for an interview with a member of the public and had been impressed by the welcome received at reception and the quality of organisation. He asked if the Leader would join him in thanking the One Stop Shop staff for their hard work.

The Leader confirmed that he was pleased to join in with the compliment and remarked that he had also attended the One Stop Shop recently to witness their excellent work. This view had been supported by the results of a recent customer satisfaction survey, which showed that the 95% of users were either satisfied or extremely satisfied with the service they had received.

Councillor Neal referred to the poor condition of estate roads in the Shawforth area and pointed out that Transco intended to undertake some work in the area. He asked if the Council could negotiate with Transco to carry out repair/resurfacing works to reduce the overall burden on the Council Tax payer.

The Leader responded that highways were a matter for Lancashire County Council and suggested that Councillor Neal might wish to refer this to the County Councillor for the area.

Councillor Neal indicated that the exterior lighting to the rear of the Civic Hall was poor. He had previously raised this matter with the Head of Financial Services who had indicated that the Community Leisure Association of Whitworth (CLAW) were responsible for the management of the facilities. He asked if, in view of the fact that the building was owned by the Borough Council, the lighting to the rear, car park and children's play area could be improved in order to prevent vandalism.

The Leader indicated that he would discuss this matter with officers, but was unable to make any firm commitment at this stage.

Councillor Neal asked whether, in relation to the street cleansing and dog warden issues highlighted in the Budget Consultation document, the Borough Council would fund signage for Neighbourhood Watch schemes.

The Leader replied that the Council was not in a position to pay for Neighbourhood Watch signs.

Councillor Neal enquired as to why the Council was paying for the disabled ramp at Hardmans Mill with public funds, rather than the owner of the premises.

The Leader responded that the requirement to provide disabled access to public meetings was the Council's, not other potential users. The Council took disability equality very seriously. The cost of the ramp was more expensive than initially thought in order to comply with the planning considerations as identified by the Conservation Officer. In response to a question raised by Councillor A Barnes, the Leader indicated that he was unsure to what extent the Disability Discrimination Act applied to the private sector.

6. QUESTIONS BY MEMBERS TO PORTFOLIO HOLDERS

Councillor Haworth had submitted the following question to the Portfolio Holder for Regeneration:-

Given the recent ratification of the Affordable Housing Strategy could the Portfolio Holder please explain to full Council the qualifying criteria for those who would like to take advantage of this scheme?

Councillor Challinor replied that those eligible were people who were on the housing register and first time buyers. People on the housing register were nominated first with preference being given to people with local connections. If no one came forward from the housing register then first time buyers were considered, again with preference being given to those with local connections. He explained that some clarification was

required as to what constituted a local connection.

All those being considered would need to satisfy the definition for affordable housing as set out in the Interim Affordable Housing Position Statement.

Councillor Haworth had submitted the following question to the Portfolio Holder for Street Scene and Liveability:-

How can the Portfolio Holder expect responsible pet owners to carry on being responsible by cleaning up after their pets when the Council has removed a number of designated animal waste bins?

In the absence of the Portfolio Holder, Councillor Driver, the Leader responded that the Council was keen to promote responsible dog ownership in the Borough. Dog waste bins had had to be removed from lampposts on the instructions of Lancashire County Council. Where possible the Council had replaced bins, but an alternative site was not always available.

Ordinary litter bins could be used for dog waste, as long as the waste was wrapped securely before putting it in the bin.

Councillor Robertson had submitted the following question to the Portfolio Holder for Regeneration:-

Can you tell me whether the Waterfoot Neighbourhood Plan for the Local Development Framework (LDF) still exists, which was to have been investigated, community involved, Council approved in draft form, etc, in 2005?

Councillor Challinor replied that he had some detailed written information on this which he would make available to Councillor Robertson. In summary, the introduction of the new planning system by the Government and the resources available to the Authority had required the Council to prioritise which Area Action Plans to take forward, with the authority focussing on its key regeneration areas. In addition, numerous other documents were required under the Local Development Scheme. As result there was no Area Action Plan for Waterfoot at this time.

However, Councillor Challinor indicated that he had brought the matter to the attention of the Head of Economic Regeneration and Strategic Housing. It was hoped to take this forward when the other documents had been approved.

During the course of Agenda Item E, a Member proposed to ask a supplementary question. The Mayor indicated that this was not normally permitted under the Council Procedure Rules. A number of Members spoke about the need for increased flexibility within Council. The Leader indicated that the Constitution Working Group was currently considering the role of full Council. Various suggestions had been put forward about how to engage Members and the public more fully, including a relaxation of questioning rules.

7. APPOINTMENT OF DEPUTY MAYOR FOR 2007/08

The Council was reminded that at its meeting on 30th March 2005 it agreed a procedure for the selection and appointment of the Deputy Mayor, which set out the

relevant eligibility criteria and stated that the appointment would be made at the first Council meeting after Christmas. Councillor Peter Gill was proposed and the nomination was not contested.

Resolved:

To agree to the waiving of the selection criteria in relation to the candidate being in at least their second term of office and to approve the appointment of Councillor Peter Gill to the office of the Deputy Mayor for 2007/08.

8. ENHANCED TWO TIER WORKING

Members considered a report of the Leader on Enhanced Two Tier Working, which had been provided to the Cabinet on 24th January 2007, in the light of the recent Government White Paper 'Strong and Prosperous Communities'. The report provided an update as to the work underway in Lancashire to develop an outline pathfinder bid for enhanced two tier working and examples of where resources could potentially be combined to improve service delivery.

The Leader explained that the closing date for bids for unitary status or pathfinder projects had expired on 25th January 2007. It was understood that Lancaster, Preston and a joint bid from Burnley and Pendle for unitary status had been submitted. In parallel the Lancashire Leaders and Chief Executives Group had asked Chorley Borough Council's Chief Executive to work up a pathfinder bid for submission. A copy of that document would be posted on the website shortly.

It was anticipated that the proposals could lead to decision making being devolved to a more local level. A member workshop would be set up to look at the detailed implications for Rossendale.

Members asked a number questions or commented about the proposals as follows:

- The possible implications of successful unitary bids from other Lancashire authorities, including the cost to and viability of the remaining districts.
- The benefits of closer working with Whitworth Town Council
- The potential advantages of establishing more Parish/Town Councils to operate at the local level, with Rossendale focussing on strategic issues.

The Leader indicated that he supported the creation of more Parish/Town Councils. He also stated that decisions on unitary status would take into account the viability of the remaining districts and county. Only about eight successful bids were expected nationally and it was thought unlikely that any would be in Lancashire.

Councillor A Barnes enquired whether the number of unitary bids from Lancashire authorities might add weight to their case. The Chief Executive indicated that 26 bids had been submitted nationally of which only about eight were expected to succeed. She reiterated the point that the unitary solution had to benefit both the bidder and the remaining districts and county. She indicated that a two stage bidding process, first for unitary status, then for pathfinder schemes, might have produced a more cohesive response from Lancashire authorities. The Bill might provide additional powers in support of this approach, which were not included in the White Paper.

Resolved:

To note the contents of the report on enhanced two tier working and that further progress reports will be provided.

RECOMMENDATIONS TO COUNCIL

Overview and Scrutiny Management Committee - 18th December 2006

9. EVALUATION OF THE PILOT OVERVIEW AND SCRUTINY ARRANGEMENTS

Members considered a report which had been presented to the Overview and Scrutiny Management Committee, at its meeting on 18th December 2006, which evaluated the pilot for revised Overview and Scrutiny arrangements. Councillor Sandiford, the Chair of the Overview and Scrutiny Management Committee, outlined the Committee's recommendations and added that the pilot arrangements had operated successfully for around four months. The majority of Members had been in favour of the extension of the pilot.

Councillor Sandiford indicated that Council was also being requested to amend the size and political balance of the Committees to enable all Members serving on the Scrutiny Committees (formerly known as Task Groups) to serve on the Overview and Scrutiny Management Committee. The revised Committees would comprise the following:-

<u>Committee</u>	<u>Total</u>	<u>Balance</u>
Overview and Scrutiny Management Committee	21	12:7:2
Policy Scrutiny Committee	7	4:2:1
Performance Scrutiny Committee	7	4:2:1
Audit Scrutiny Committee	7	4:3:0

Resolved:

1. To approve the extension of the pilot Overview and Scrutiny arrangements.
2. That the titles of the three main Task Groups be amended to Scrutiny Committees and that Terms of Reference include the referral of urgent items direct to either Cabinet or full Council.
3. That the current pilot arrangements continue until Annual Council.
4. That the size and political balance of the Overview and Scrutiny Committees be agreed as set out above.

10. URGENT DECISIONS

The Leader of the Council presented a report on the use of the urgency procedures under the Access to Information Rules. The Council's Constitution specified the process that had to be followed when key decisions were taken which were not in the Forward Plan but which were urgent. The report covered urgent decisions taken under

Rules 15 and 16 since 1st April 2006.

There had been 3 decisions taken under the General Exception (Rule 15), which comprised decisions which had not be included in the Forward Plan, but which could not await the next month's Forward Plan. Such decisions could only be taken after the expiry of three clear days, following notification of the Chair of the Overview and Scrutiny Management Committee and the provision of a public notice.

There had been 3 decisions taken under Special Urgency (Rule 16), which comprised decisions that had to be taken in less than 3 clear days, such that Rule 15 could not be complied with. Such decisions could normally only be taken with the agreement of the Chair of the Overview and Scrutiny Management Committee that the matter could not reasonably be deferred. Under the Constitution the Leader was required to submit a report to full Council on decisions taken under Rule 16.

Councillor Sandiford reminded Members that the Access to Information Rules also allowed the Chair to authorise additional items to be considered at Committee, where less than five clear days notice had been given, on the grounds of urgency.

Councillor Lamb enquired about the use of Rule 15 in the case of the Planning Policy Statement (PPS) 3 Housing and the Lancashire County Council Planning Policy Paper. The Executive Director of Resources responded that the Council might have been at risk concerning future planning decisions, if the documents had not been put in place as soon as possible.

Resolved:

That the report on the use of the urgency procedures under the Access to Information Rules be noted and that quarterly reports on urgent decisions continue to be submitted to full Council.

11. NOTICE OF MOTION

The following motion had been submitted in writing prior to the meeting by Councillor Smith and co-signed by Councillor Ruddick:-

“That this Council asks the Government to take all necessary steps to preserve rural post offices and that the Chief Executive be requested to write to the Department for Trade and Industry to convey the views of the Council.”

Councillors Smith and Ruddick requested the agreement of the Council to amend the wording of the motion as follows:-

“That this Council asks the Government to take all necessary steps to preserve rural post offices and that a Working Group of Overview and Scrutiny, in consultation with the Chief Executive, be requested to write to the Department for Trade and Industry to convey the views of the Council.”

Approval to amend the motion was so granted.

Members were informed that a DTI consultation Paper on this matter was available on the Department's website. Councillor Smith indicated that some 4,600 post offices had

closed since 1997. 15 had closed in the Rossendale area. These post offices provided essential services, such as benefits, TV licences, passport applications and payment of utility bills. For example, the closure of the post office in Stubbins had impacted greatly on the high proportion of elderly residents in that area. It was felt that post offices added social value to the communities they served.

Councillor Smith noted that the consultation document only referred to the closure of some 6,000 post offices from 1970 to 1997. It also indicated that 95% of the population in rural areas were over three miles from a post offices. This was considered to be a long way.

Councillor P Gill enquired about the definition of rural post offices. He considered that post offices in larger communities, for example Crawshawbooth and Whitworth, might also be at risk and should also be protected. Councillor Essex referred to the definition of 'rural' within the DTI consultation document which was "serving a community of less than 10,000 people". He suggested that many post offices within Rossendale would fall within this definition. He indicated that whereas post offices in continental Europe were central to local communities, the Government had allowed services in the UK to be run down. He considered that it was important to fight to retain local services.

Councillor Hancock suggested that this situation was not due to recent political decisions and that post offices had been closing for some time. He proposed that the motion be supported across all parties and that the matter should not be unnecessarily politicised. He asked whether the word 'rural' might be deleted from the motion.

Councillor Neal indicated that he had alerted the Council to post office closures in 2003, in connection with the introduction of the Card Cash Scheme. He pointed out that many vulnerable and older people used post offices instead of bank accounts.

Councillor A Barnes supported the views expressed by Councillor Hancock. She also indicated that the culture in the UK was different from that of continental Europe and that it was not possible to compare the services of post offices directly. The culture in the UK had changed significantly over the last 50 years. She asked Members to consider how frequently they used a post office branch. The increasing use of technology, such as paying for car tax on line, was having an effect on post office usage.

The Leader expressed his appreciation for the cross party support. In the light of the comments made, Councillors Smith and Ruddick requested the agreement of the Council to amend further the wording of the motion as follows:

"That this Council asks the Government to take all necessary steps to preserve all post offices and that a Working Group of Overview and Scrutiny, in consultation with the Chief Executive, be requested to write to the Department for Trade and Industry to convey the views of the Council."

Councillor Sandiford commented that post offices closures could affect local people significantly. She added that journeys of over three miles would necessitate the use of a vehicle, which would increase carbon emissions and damage the environment.

The Older Persons' Champion, Councillor Cheetham, indicated that any closures would have a significant effect upon the elderly. This was of particular concern since

the population was becoming older. He expressed concern that those pensioners who lived in villages would be unable to access their pensions. For many older people the post office was a centre for social contact.

Resolved:

That this Council asks the Government to take all necessary steps to preserve all post offices and that a Working Group of Overview and Scrutiny, in consultation with the Chief Executive, be requested to write to the Department for Trade and Industry to convey the views of the Council.

The Deputy Mayor then declared the meeting closed.

(The meeting started at 7.00 pm and concluded at 8.10 pm)