

COUNCILLOR JOYCE PAWSON, MAYOR

MINUTES OF: THE COUNCIL OF THE BOROUGH OF ROSSENDALE

Date of Meeting: 27th June 2007

**PRESENT: The Mayor Councillor J. Pawson (in the Chair)
Councillors Aldred, A. Barnes , Challinor, Cheetham,
Driver, Essex, C. Gill, P. Gill, Graham, Haworth,
Hewlett, Lamb, Morris, Neal, S. Pawson, Robertson,
Ruddick, Sandiford, Smith, Thorne, Unsworth and
Wilson**

**IN ATTENDANCE: Carolyn Wilkins, Chief Executive
Helen Lockwood, Deputy Chief Executive
George Graham, Executive Director of Resources
Bill Lawley, Interim Legal and Democratic Services Manager
Heather Moore, Committee and Member Services Manager**

**ALSO PRESENT: Mr A Neville, Chair of Standards Committee
3 Members of the Public
1 Representative from the Press**



1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors L. Barnes, Crosta, Dickinson, Eaton, Farquharson, Forshaw, Hancock, Steen, Swain and Tickner.

2. MINUTES

Resolved:

That the minutes of the Council meeting held on 18th May 2007 be signed by the Mayor as a correct record.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

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

The Mayor reported on two urgent items of business which would be taken at the end of the meeting relating to Gambling Fees and the Smokefree Enforcement Protocol. It was noted that the reason for urgency relating to the report on Gambling Fees was to ensure that the fees could be published under the requirements of the Gambling Act 2005. It was further noted that the reason for urgency relating to the report on the Smokefree Enforcement Protocol was due to legislation being introduced from 1st July and the requirement to appoint enforcement officers before that date.

The Mayor announced that the Council had recently been awarded Investors in People (IIP) status. She highlighted particular organisational strengths which had been identified during the assessment visit as detailed below:

- The Council's vision and understanding of the Councils objectives
- The efforts made by senior managers to be accessible and visible to employees
- The provision of training funds and access for all to training and development
- The Staff Suggestion scheme
- The good induction processes to Council and to departments
- The fact that employees feel valued and that their contribution is recognised

The Mayor indicated that the IIP plaque had been presented to the Council by Graham Curtis, an IIP Assessor and was now proudly placed in the Council Chamber.

The Mayor also announced that the Financial Services Team had been selected as runners up for the Pricewaterhouse Public Reporting and Accountability Awards which had taken place at the Chartered Institute of Public Finance and Accountancy (CIPFA) conference in Bournemouth a fortnight ago. The Mayor introduced Janice Crawford, Financial Services Manager who was responsible for drawing the Council's accounts together and presented her with the formal certificate. Elected Members congratulated Janice and staff within Financial Services on their achievement.

The Mayor outlined details of her Charity Committee event, Hats on for Ascot Day which was to be held on Sunday, 1st July 2007. She encouraged Elected Members to support the event.

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

5. PUBLIC QUESTION TIME

There were no questions raised under this item.

6. QUESTIONS BY MEMBERS

The Mayor reminded Members that at the meeting of the Council in March 2007, a new procedure for Members' questions had been agreed and she highlighted the key points for information.

A summary of the questions and responses are detailed below.

Councillor Neal asked a question relating the liability of householders under new legislation when third parties collect waste.

In response, Councillor Driver reported on the Duty of Care Waste Regulations which meant that all householders must ensure that they are satisfied that the person removing the waste was an authorised carrier. A householder not taking reasonable measures could be liable to a fine. She reported that the Environment Agency held a Waste Carriers Register that householders could check. If the waste carrier could not prove that they were authorised the householder should refuse the carrier's service. Councillor Driver informed the meeting of investigations which were currently ongoing.

Councillor A. Barnes asked a question relating to the cost of moving to Futures Park. Councillor Ruddick indicated that the final combined revenue and capital cost of the move was £119k which was broken down into £14k project management, £93k furniture and equipment and £12k removals. He highlighted that there was an ongoing commitment for rent which was offset by the savings generated as a result of vacating the Town Hall, Kay Street and the re-location of staff to Green Vale Court. Councillor Ruddick reported on the improvement of facilities for staff which had resulted in an increase in morale and a decrease in sickness absence.

Councillor A. Barnes asked a supplementary question relating the accommodation strategy slippage cost of £309k which was detailed in a report to be considered later in the meeting and whether Councillor Ruddick felt that moving to Futures Park 18 months ahead of schedule was good value for money.

Councillor Ruddick reported that the slippage referred to in the report related to timing rather than being over budget. He informed the meeting that the market value of Futures Park was estimated at £3.2m and had cost the Council a nominal £279k plus £203k, being a grant claw back on rigorous Small and Medium Enterprise business creation targets. Councillor Ruddick further highlighted that it had been tremendous value as there had been a significant reduction in staff sickness, equating to 6% of the salary budget.

Councillor A. Barnes asked a question on how to improve the process of handing over responsibility for grounds maintenance. She highlighted concerns relating to a new estate in Loveclough which had been ongoing since September and enquired about the length of time the process took.

Councillor Driver reported that the Council was looking at ways to speed up the processing of Section 106 agreements. She highlighted that the processes that had to be undertaken and she acknowledged that there had been a delay in relation to the particular example given by Councillor A. Barnes. Councillor Driver reported that weather permitting; the grass cutting would take place this week and was scheduled for 10 cuts per annum.

Councillor A. Barnes asked a question relating to the planning application for the Valley Centre. She raised concerns about the application being processed in-house and asked what efforts had been made to ensure that the development was of the highest standard and quality. She also asked when work was expected to start and when the first shops would be occupied.

Councillor Challinor reported that the Council had experienced officers that were capable of dealing with the application in-house. He informed the meeting that some expertise would be drawn from Urban Vision and access to further professional advice would be sought as required. Councillor Challinor outlined the developer's programme for building works to commence in August 2008 and open late 2009 with final completion works by Easter 2010. He highlighted that the programme of works was ambitious and relied on a number of assumptions including the issue of whether or not planning permission would be granted.

In response to a question from Councillor A. Barnes about when Councillors Ormerod and Crosta would submit their resignations, Councillor Ruddick reported that he had not been informed.

Councillor Sandiford asked for assurance that the Council had strategies that were in place to ensure delivery of services. She referred to the deficit of £6.3m over the next four years which Pendle Borough Council faced which could endanger the delivery of services.

Councillor Ruddick highlighted that Rossendale had a robust Cabinet Member, a Medium Term Financial Strategy together with an ongoing strategy for keeping Council Tax increases below the rate of inflation. He also made reference to the CIPFA award which had been presented to the Council earlier in the meeting.

Councillor P. Gill asked about the policy on providing additional green wheelie bins to households. In response, Councillor Driver confirmed that she had submitted a report to Cabinet in June which clarified that the criteria on which an additional bin could be requested was for households of more than 5. As a supplementary item, Councillor P. Gill indicated that a household of 4 people had received an additional bin.

Councillor P. Gill asked for confirmation on whether a recent quote in the paper was correct in that refuse collection vehicles only get a third of the way through one round and the vehicle has to go to the tip and what steps were being taken to resolve the problem.

Councillor Driver reported that this was the case in some areas and the Council was trying to encourage more households to recycle. People were given many opportunities to recycle through the various receptacles provided by the Council. She highlighted that those areas not currently recycling were being looked at and risk assessments were being undertaken for particular areas. As a supplementary, Councillor P. Gill commended the Council's Policy on recycling.

Councillor P. Gill asked about side waste and what would happen when the Council no longer collected it. He raised concern that tips were not easily accessible for people without their own transport.

Councillor Driver confirmed that from 1st October 2007 side waste would not be collected. She reported that the Council provided a service of collection of bulky items for a small charge and householders should be encouraged to separate their waste and use the recycling kerbside collection that was available.

Councillor Lamb asked for further clarification on the policy for the additional wheelie bin. Councillor Ruddick confirmed that households with over 5 people, that being 6 or more, were entitled to an additional wheelie bin.

Councillor Lamb asked that the certificates produced for attendance at Member Development sessions cease to be produced. In response, Councillor Ruddick agreed that this could be looked into. He referred to the awards ceremony which Elected Members and staff within Democratic Services were attending and he highlighted that the Team had done a tremendous job on being selected as a finalist for the Councillor Development Category of the 2007 Municipal Journal Awards.

Councillor Hewlett asked whether households were charged when stolen wheelie bins were replaced. In response, Councillor Driver reported that if a green bin was stolen a small charge was made for replacement. A blue bin and other receptacles were free of charge.

Councillor Neal asked whether it would be possible to record meetings of the Development Control Committee. Councillor Ruddick indicated that this could relate to other meetings and there could be legal implications which would need to be considered. He informed the meeting that a sound system was being tested and he and Councillor A. Barnes had been invited to attend.

In response to a question about thanking the litter picker who worked in Edenfield, the Council acknowledged the work done by all the litter pickers throughout the Borough and asked that their thanks be extended to them.

In response to a question by Councillor Neal about an ongoing matter relating to land at Cow Toot Lane, Bacup it was agreed that this would be looked into.

Councillor Aldred asked whether the Policy for six or more people to have two wheelie bins was reasonable. He indicated that a green bin for a household of two people was 40% to 60% full within a fortnight.

In response, Councillor Driver reported that householders had to take responsibility for the waste they generated and should be encouraged to recycle. She reported on the need to protect the environment and one of the ways residents could do this was by recycling.

Councillor Aldred asked whether there were any plans for employing additional staff to pick up fly tipping which he thought could increase as a result of not collecting side waste.

Councillor Driver reported that there were no plans for additional staff and a process was in place through the NEAT teams for dealing with fly tipping.

Councillor Lamb enquired about how fines would be issued for side waste. Councillor Driver explained that the Council's main priority was educating people to encourage them to recycle rather than issuing fines.

Councillor Lamb asked a supplementary question about what would happen to side waste that couldn't be identified. Councillor Driver reported that this would not be left. Councillor Driver referred to a Working Group which had been agreed at the last Cabinet meeting and highlighted that the membership was to be confirmed. On a Point of Order, Councillor A. Barnes reported that Councillor Lamb had been nominated as one of the members to serve on the Working Group.

In response to a request from Councillor Unsworth about Elected Members receiving grass cutting schedules from the Council and other agencies, Councillor Ruddick reported that if the information was available this would be circulated.

7. CORPORATE PLAN

The Council considered the report of the Chief Executive outlining the final draft of the Council's Corporate Plan including Best Value Performance Plan.

The Council noted the recommendation of the Cabinet for the Council's Corporate Plan and Best Value Performance Plan to be submitted to the Full Council for approval.

Councillor Ruddick reported that the Plan set out the achievements of the Council together with the future direction of the Council.

In response to questions from Councillor A. Barnes about when the Economic Regeneration Strategy would be complete and the figures relating to BVPI 82a, Councillor Ruddick reported that a response on the matters would be provided.

In response to a further question raised by Councillor A. Barnes in respect of customer satisfaction, Councillor Ruddick reported that the Council's satisfaction rates had increased which was against the national trend that had seen a decline in satisfaction.

Resolved:

That the Corporate Plan including Best Value Performance Plan be approved.

8. MEMBER LEARNING AND DEVELOPMENT STRATEGY AND IMPLEMENTATION PLAN 2007/08

Councillor Essex presented the report of the Head of Planning, Legal and Democratic Services which set out the Member Learning and Development Strategy and associated Implementation Plan for 2007/08.

Councillor Essex reported that the Strategy was a refresh from last year and he referred to the successes which were detailed in the Strategy. He indicated that the Member Development Working Group were recommending Members undertake 5 sessions of training per year and that the Council would continue to strive for external recognition as a leading authority in Member Development.

Councillor Essex paid tribute Councillor Janet Graham, Chair of the Member Development Working Group, Heather Moore and the Democratic Services Team and he highlighted that the team were going to London tomorrow evening in respect of the MJ Councillor Development Achievement Award. Councillor A. Barnes wished everyone the best of luck at the awards event.

Councillor Neal commended proposals for partnership working with the Town Council which had been included in the Strategy and he commended Democratic Services on the support that they provided to Elected Members.

Resolved:

That the Member Learning and Development Strategy and Implementation Plan for 2007/08 be approved.

9. URGENT DECISIONS

Councillor Essex presented the report of the Head of Planning, Legal and Democratic Services on the use of the urgency procedures under the Access to Information Rules. The report covered urgent decisions taken under Rules 15 and 16 for the last quarter.

It was noted that the item relating to Gambling Fees was to be deleted from the report and dealt with later in the meeting under urgent items of business.

Resolved:

That the report on the use of the urgency procedures under the Access to Information Rules be noted.

10. OVERVIEW AND SCRUTINY ANNUAL REPORT 2006/07

Councillor Sandiford presented the Overview and Scrutiny Annual Report for 2006/07. She informed Members that this was the second report and was a factual statement of activity and highlighted that scrutiny had been busy throughout the year and radical changes to how scrutiny operated had taken place.

Councillor Sandiford thanked all Members and Officers that had participated in scrutiny during the year and she gave particular mention to retiring Councillors Peter Starkey and Hazel Steen, who she thanked for their input.

Councillor Sandiford also thanked Pat Couch, the Scrutiny Support Officer and Heather Moore, the Committee and Member Services Manager for their enthusiasm and invaluable support.

Councillor Sandiford reported that scrutiny had made a difference and many examples were set out in the report.

Resolved:

1. That the Overview and Scrutiny Annual Report 2006/07 be approved.
2. That the report be forwarded to all Heads of Service, Lancashire County Council and other relevant organisations.

11. RECOMMENDATIONS TO COUNCIL

11a. 2006/07 FINANCIAL OUTTURN

The Council considered the recommendation of the Cabinet held on 6th June 2007.

Councillor Essex, Portfolio Holder provided additional information relating to the final movement on those reserves as set out below:

	As per Outturn Report	Changes (reduced) Increased	Final as at 31.03.07
General Reserves	717	(92)	625
CMR	123	18	141
HRA	1,000	150	1,150
	1,840	76	1,916

Councillor Essex further reported that there was a net increase to reserves of £76k, the key changes being:

General Reserves

Transposition error in information given regarding the final subsidy claim. (Members should recall that General Reserves have funded a £100k transfer to the Volatility Reserve and the exceptional non-budget costs previously reported of c. £180k.)

Change Management Reserves
Saving on the original support allocations

Housing Revenue Account
In the main historical subsidy provisions no longer required

Resolved:

1. That the capital expenditure requests as outlined in 4.1.7 of the report be approved.
2. That the movement in reserves (i.e. General Reserve, Housing Revenue Account, Revenue Volatility Reserve, Change Management Reserve and Economic Regeneration Reserve) as outlined in 4.4 of the report together with the amendments outlined by the Portfolio Holder as detailed above be approved.
3. That the Reserves Policy Statement as set out in Annual Treasury Report be approved.

11b. NEIGHBOURHOOD FORUMS

The Council considered the recommendation of the Cabinet held on 6th June 2007 to amend the Constitution to grant delegated authority to the Neighbourhood Forums to determine bids received and to accommodate the proposals relating to the changed membership as set out below:

All Elected Members for the Wards covered in the Forum
A County Councillor
A Whitworth Town Councillor to serve on Whitworth Neighbourhood Forum
A Police Representative

It was noted that Cabinet had agreed not to formally appoint Community Representatives to serve on the Forum and Working Groups.

Resolved:

That the Constitution be amended as circulated at the meeting.

11c. AUDIT SCRUTINY COMMITTEE AND STANDARDS COMMITTEE TERMS OF REFERENCE

The Council considered the recommendation of the joint meeting of the Audit Scrutiny Committee and Standards Committee held on 14th June 2007 to amend the Terms of Reference of the Committees.

Councillor Smith reported that the proposed Terms of Reference had been circulated and he asked Members to note that the Terms of Reference should read Audit Scrutiny Committee and not Audit Task Group.

Resolved:

That the Terms of Reference as circulated including the above amendment be approved.

12. NEW MODEL CODE OF CONDUCT

The Council considered the report of the Head of Planning, Legal and Democratic Services which outlined the new Model Code of Conduct for Members.

Members noted the recommendation of the joint meeting of the Audit Scrutiny Committee and Standards Committee to adopt the Code with immediate effect.

Councillor Sandiford indicated that she would welcome clarification on rules relating to confidentiality.

Resolved:

That the new Model Code of Conduct for Members be adopted with immediate effect.

13. URGENT ITEMS OF BUSINESS

13a. GAMBLING FEES

The Council considered the report of the Head of Planning, Legal and Democratic Services which outlined a requirement of the Gambling Act 2005 to set fees in respect of premises licences.

Resolved:

That the new fee structure as set out in Appendix A of the report be approved.

13b. SMOKEFREE ENFORCEMENT PROTOCOL

The Council considered the report of the Head of Street Scene and Liveability which outlined the enforcement protocol in relation to the requirements under the Health Act 2006 relating to smokefree indoor environments.

It was noted that the item had been considered by the Cabinet at its meeting on 6th June 2007.

Resolved:

That the Council adopts the Enforcement Protocol as set out in the report as the means by which Smokefree Legislation will be enforced in Rossendale.

(The meeting started at 7.00pm and concluded at 9.05pm)