

**COUNCILLOR CHRISTINE GILL, MAYOR**

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

**Date of Meeting: 26<sup>th</sup> FEBRUARY 2009**

**PRESENT: The Mayor Councillor C. Gill (in the Chair)  
Councillors Aldred, A Barnes, L Barnes, Challinor,  
Cheetham, Crawforth, Dickinson, Driver, Eaton, Essex,  
Evans, Farrington, Forshaw, Gledhill, Graham, Haworth,  
Lamb, Lynskey, May, Morris, Neal, Nuttall, C Pilling, J  
Pilling, Robertson, Sandiford, Smith, Stansfield, H.Steen,  
P.Steen, Swain, Thorne and Unsworth**

**IN ATTENDANCE: Carolyn Wilkins, Chief Executive  
Helen Lockwood, Deputy Chief Executive  
Linda Fisher, Executive Director – Business  
Phil Seddon, Head of Finance  
Mike Riley, Communities Manager  
Heather Moore, Committee and Member Services Manager  
Carolyn Sharples, Committee and Member Services Officer  
Jenni Cook, Committee Officer  
Caroline Brennan, Clerical Assistant**

**ALSO PRESENT: County Councilor Serridge  
County Councillor Wilkinson  
Approximately 141 Members of the Public  
3 Representatives from the Press**

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**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Pawson, and Wilson.

**2. MINUTES**

**Resolved:**

That the minutes of the Council meeting held on 10 December 2008 be signed by the Mayor as a correct record.

**3. URGENT ITEMS OF BUSINESS**

The Mayor reported that there were no urgent items of business.

#### 4. DECLARATIONS OF INTEREST

Councillor Graham declared a personal and prejudicial interest in Minute Number 7 (Leisure and Recreation) as her daughter is employed by Rossendale Leisure Trust and left the room for this matter Councillor Forshaw declared a personal interest in Minute Number 7 (Leisure and Recreation) as her husband is on the Rossendale Leisure Trust Board.

Councillor A. Barnes declared a personal interest in Minute Number 7 (Leisure and Recreation) as she has a gym membership at Haslingden Life Style Centre.

Councillors L. Barnes, Cheetham, Dickinson, Essex, Robertson and Unsworth declared a personal and prejudicial interest in Minute Number 15 (Asset Disposal) as they are Board Members of the particular company. They all left the meeting for this matter

#### 5. OUTSTANDING ITEMS OF BUSINESS FROM THE LAST MEETING

The Mayor informed the Council that there were no outstanding items of business from the last meeting of the Council.

#### 6. PUBLIC QUESTION TIME

The Mayor asked members of the public if they had any questions that did not relate to the Leisure item.

The relevant Portfolio Holders answered questions raised by members of the public on the following issues:-

| No. | Issue  | Answered by<br>(and action)                                      |
|-----|--|--|
| 1.  | Progress regarding the planning application for Orama Mill | Councillor Challinor   |
| 2.  | Ongoing fly tipping issues at the Spring Mill site         | Councillor Challinor (action for Communities Team to visit site) |
| 3.  | Cost of Council's accommodation.                           | Councillor Essex   |

The Mayor asked members of the public if they had any questions relating to the Leisure and Recreation report.

The Leader of the Council answered questions raised by members of the public on the following issues:-

| No. | Issue   | Answered by<br>(and action) |
|-----|---|-----------------------------|
| 1.  | A request for a full review of leisure and the leisure trust, and to consult with all parties affected by changes to swimming pool provision. | Councillor Swain            |
| 4.  | Consultations over 12 week periods.   | Councillor Swain            |

|     |  |                  |
|-----|--|------------------|
| 5.  | Bacup Leisure Hall, provision of exercise and reliance on Lottery Grant Funding. | Councillor Swain |
| 6.  | Bacup Leisure Hall, demolition and criteria of lottery grant.                    | Councillor Swain |
| 7.  | Over 60's and under 16's and promoting free swimming.                            | Councillor Swain |
| 8.  | Consultation with Whitworth Swimming Club as part of review.                     | Councillor Swain |
| 9.  | Funding for Whitworth pool.  | Councillor Swain |
| 10. | Free swimming  | Councillor Swain |
| 11. | Cost of review   | Councillor Swain |

## 7. LEISURE AND RECREATION

The Council considered the report of the Chief Executive in respect of Leisure and Recreation.

The Leader of the Council informed the meeting of the consultations that had taken place and of the individuals groups he had met with. If Option H was agreed a review of leisure would start promptly.

In considering the report presented Members identified the following issues to which the Leader of the Council responded:

- Updating leisure facilities
- Review process and cost
- The need for a detailed action plan and timescales
- Review scoping
- Health inequalities
- Remove Portfolio Holder from the situation
- Bacup Leisure Hall and lottery grant funding
- Free Swimming
- Funding of new pool via a prudential loan

The Leader of the Council agreed to provide Councillor Alyson Barnes with a full response if she emailed her questions to him regarding health money.

### **Resolved:**

1. That the Council approves Option H and transition fund of £222k be agreed for 2009/10.
2. That the Council delegates the signing of a new funding agreement and delivery plan to the Chief Executive.
3. That Rossendale Leisure Trust agrees to the early surrender of the lease of Bacup Leisure Hall in accordance with Option H

## 8. COMMUNICATIONS FROM THE MAYOR, THE LEADER OR HEAD OF PAID SERVICE

There were no communications from the Mayor, the Leader or Head of Paid service.

## 9. QUESTIONS BY MEMBERS

The Leader of the Council and the relevant Portfolio Holder answered questions raised by Councillors on the following issues:-

| No. | Issue   | Questioner          | Answered by (and action)   |
|-----|---|---------------------|--|
| 1.  | Trees had been cut down illegally in Whitworth, when would action be taken with reference to replanting and investigating the planning application? | Councillor Neal     | Councillor Swain   |
| 2.  | When would the planning application for Orama Mill come back to committee?  | Councillor Neal     | Councillor Challinor (action to send Councillor Neal update information) |
| 3.  | How the VAT shelter works and the income received?  | Councillor Aldred   | Councillor Essex   |
| 4.  | Number of staff trained to give fixed penalties in relation to littering and dog fouling.   | Councillor Lamb     | Councillor P.Steen   |
| 5.  | Police enforcement and start date for issuing fixed penalties?  | Councillor Lamb     | Councillor P.Steen   |
| 6.  | Funding to support local businesses (LEGI)  | Councillor A Barnes | Councillor Swain – agreed to forward a full response.                    |

## 10. POLICY AND BUDGET FRAMEWORK

### 10a. Update to Medium Term Financial Strategy

The Council considered the recommendations of the Cabinet on 18<sup>th</sup> February 2009, in respect of the Update to Medium Term Financial Strategy.

In considering the report presented Members identified the following issues to which the Leader of the Council and Portfolio Holder responded:

- Finding efficiencies
- Acting fully on review actions
- Incorporating the whole Borough and not just strategic areas.

#### Resolved:

1. That the Council approves the update to the MTFS, subject to any final amendments arising from the Council's final budget approval.

2. That any further amendments required, as a result of decisions regarding leisure or any other matters, be delegated to The Head of Financial Services.

## **10b. Revenue Budget and Council Tax for 2009/10**

The Council considered the recommendations of the Cabinet on 18<sup>th</sup> February 2009, in respect of the Revenue Budget and Council Tax for 2009/10.

In considering the report presented Members identified the following issues to which the Leader of the Council and Portfolio Holder responded:

- Police Authority increases
- Savings and efficiencies
- Below inflation increase

### **Resolved:**

#### **1 – Budget Requirement**

- 1.1 That the savings (and use of funds) identified for 2009-10 in the sum of £30,000 as detailed in Appendix 2 of the report be approved.
- 1.2 That investments in the sum of £203,000 as detailed in Appendix 2 of this report be approved.
- 1.3 Use of:
  - 1.3.1 Area Based Grant – Community Engagement Office as previously agreed by members £34,000
  - 1.3.2 Single Status Reserve – Impact of Job Evaluation £100,000
- 1.4 That consequent upon resolutions 1.1 and 1.2 above, and the Head of Finance opinion on the robustness of the 2009-10 Estimates and the level of balances, the Council's Budget for 2009-10, as amended, be approved in the sum of £11,727,610.

#### **2 – 2009/10 Precepts**

- 2.1 That the receipt, or anticipated receipt, of the following precepts for 2009-10 be noted:

|                             |                    | <b>£</b>   |
|-----------------------------|--------------------|------------|
| Lancashire Police Authority | (General Expenses) | 3,077,490  |
| Lancashire County Council   | (General Expenses) | 24,005,420 |
| Lancashire Fire Authority   | (General Expenses) | 1,351,782  |
| Rosendale Borough Council   | (General Expenses) | 5,488,391  |
| Whitworth Parish Council    | (Special Expenses) | 52,815     |

### **3 – Council Tax Base**

- 3.1 That it is noted that by Scheme of Delegation, dated 9<sup>th</sup> January 2009, The Head of Financial Services in consultation with The Leader of the Council calculated the following amounts for the year 2009-10 in accordance with Section 33 (1 ) of the Local Government Finance Act 1992, as amended by Section 84 Local Government Act 2003 for the whole area of the Borough 21,659 “D” Band equivalent units being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its Council Tax base for the year end.
- 3.2 For that part of the Council’s area being Whitworth Parish, the amount of 2,353 “D” Band equivalent units, being the amounts calculated by the Council in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax for the year for dwellings in that part of its area to which the Special Items relate.

### **4 – Budget impact on Council Tax**

- 4.1 That the following amounts be now calculated by the Council for the year 2009-10 in accordance with Section 32 to 36 of the Local Government and Finance Act 1992:-
- (a) £35,463,675 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act.
  - (b) £23,736,065 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.
  - (c) £11,727,610 being the amount by which the aggregate at 4.1(a) above exceeds the aggregate at 4.1(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
  - (d) £6,239,219 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed Non-Domestic Rates, Revenue Support Grant, (increased by the amount of the sums which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97(3) of the Local Government Finance Act 1988 (Council Tax Surplus) or (reduced by the amount of the sums which the Council estimates will be transferred in the year from its General Fund to its Collection Fund in accordance with Section 97(4) of the Local Government Finance Act 1988) (Council Tax Deficit)

- (e) £Nil being a transfer from the Collection Fund Surplus to General Fund (see 1.4.5 above)
- (f) **£253.40** being the amount at 4.1(c) above less the amount at 4.1(d) and 4.1(e) above, all divided by the amount at 3.1 above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.
- (g) **£52,815** being the aggregate amounts of all special items referred to in Section 34(1) of the Act.
- (h) **£22.45** being the amount at 4.1(g) above all divided by the amount of 3.2 above, calculated by Council and applicable to the Parish of Whitworth area only for the Special items.

| VALUATION BANDS                         |       |       |       |       |       |       |       |       |
|---|-------|-------|-------|-------|-------|-------|-------|-------|
|   | A     | B     | C     | D     | E     | F     | G     | H     |
| Special Items Only, Parish of Whitworth | 14.97 | 17.46 | 19.96 | 22.45 | 27.44 | 32.43 | 37.42 | 44.90 |

- (i) **£275.85** for part of the Council's area, Parish of Whitworth, being the amounts given by adding to the amount at 4.1(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 3.2 above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.
- (j) Being the amounts shown below that are given by multiplying the amounts at 4.1(f) and 4.1(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

| VALUATION BANDS                |        |        |        |        |        |        |        |        |
|--------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|
|                                | A      | B      | C      | D      | E      | F      | G      | H      |
| Parish of Whitworth            | 183.90 | 214.55 | 245.20 | 275.85 | 337.15 | 398.45 | 459.75 | 551.70 |
| All other parts of the Borough | 168.93 | 197.09 | 225.24 | 253.40 | 309.71 | 366.02 | 422.33 | 506.80 |

- (k) That it be noted that for the year 2009-10 the Lancashire County Council have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the Categories of dwellings shown below:-

| <b>VALUATION BANDS</b>    |          |          |          |          |          |          |          |          |
|---------------------------|----------|----------|----------|----------|----------|----------|----------|----------|
|                           | <b>A</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> | <b>F</b> | <b>G</b> | <b>H</b> |
| Lancashire County Council | 738.87   | 862.01   | 985.16   | 1,108.30 | 1,354.59 | 1,600.88 | 1,847.17 | 2,216.60 |

- (l) That it be noted that for the year 2009-10 the Lancashire Police Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

| <b>VALUATION BANDS</b>      |          |          |          |          |          |          |          |          |
|-----------------------------|----------|----------|----------|----------|----------|----------|----------|----------|
|                             | <b>A</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> | <b>F</b> | <b>G</b> | <b>H</b> |
| Lancashire Police Authority | 94.72    | 110.51   | 126.29   | 142.08   | 173.65   | 205.23   | 236.80   | 284.16   |

- (m) That it be noted that for the year 2009-10 the Lancashire Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

| <b>VALUATION BANDS</b>    |          |          |          |          |          |          |          |          |
|---------------------------|----------|----------|----------|----------|----------|----------|----------|----------|
|                           | <b>A</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> | <b>F</b> | <b>G</b> | <b>H</b> |
| Lancashire Fire Authority | 41.61    | 48.54    | 55.48    | 62.41    | 76.28    | 90.15    | 104.02   | 124.82   |



- (n) That, being calculated the aggregate in each case of the amounts at 4.1(i) above and 4.1(k), (l) and (m) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2009-10 for each of the categories of dwellings show below:-

| <b>VALIDATION BANDS</b>        |          |          |          |          |          |          |          |          |
|--------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|
|                                | <b>A</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> | <b>F</b> | <b>G</b> | <b>H</b> |
| Parish of Whitworth            | 1059.10  | 1235.61  | 1412.13  | 1588.64  | 1941.67  | 2294.17  | 2647.74  | 3177.28  |
| All other parts of the Borough | 1044.13  | 1218.15  | 1392.17  | 1566.19  | 1914.23  | 2262.28  | 2610.32  | 3132.38  |

## **5 – Council Tax Collection**

- 5.1 That the Head of Customer Services and e-Government, officers and partners be authorised to take all necessary steps to ensure collection and recovery of the Council Tax and National Non-Domestic Rates (NNDR).

That Members recommend as part of the Medium Term Financial Strategy the proposed options to mitigate risk, in particular, those regarding Leisure and the potential financing of transitional costs and the current deficit within Rossendale Leisure Trust's balance sheet.

### **10c. Capital Programme 2009/10**

The Council considered the recommendations of the Cabinet on 18<sup>th</sup> February 2009, in respect of the 2009/10 Capital Programme.

In considering the report presented Members identified the following issues to which the Leader of the Council and Portfolio Holder responded:

- Council's accommodation costs
- A request from Councillor A. Barnes for copies of the Capital Monitoring Group minutes
- Regeneration and areas of outstanding natural beauty

**Resolved:**

1. That the following capital expenditure be recommended for 2009/10 (excluding 08/09 slippage):

| <b>Detail</b>   | <b>£000's</b> |
|---|---------------|
| Vehicle replacement Programme ( 07/08 - 5 year programme) | 55            |
| Playgrounds (06/07 - 5 year programme)                    | 50            |
| Cemeteries (06/07 - 5 year programme)                     | 30            |
| Pride in Rossendale Programme (08/09 – 4 year programme)  | 80            |
| Pathways (06/07 - 5 year programme)                       | 30            |
| Wheeled Bins (06/07 - 5 year programme)                   | 45            |
| Bacup Town Centre Culvert                                 | 125           |
| Sport Playing Fields (06/07 - 5 year programme)           | 45            |
| Museum (06/07 - 5 year programme)                         | 15            |
| Car Park Upgrading (06/07 - 5 year programme)             | 30            |
| Building Maintenance (06/07 - 5 year programme)           | 200           |
| War Memorials (08/09 - 4 year programme)                  | 5             |
| <b>Total</b>  | <b>710</b>    |

2. That subject to confirmation of Housing Programme grants shown in Appendix 1, the housing programme be approved, and the Head of Financial Services be authorised to amend the programme in the light of final grant allocations.
3. That the 2008/09 capital programme expenditure not incurred in 2008/09, be carried forward to 2009/10.
4. That the Cabinet's Capital Monitoring Group meets quarterly during 2009/10 to review capital expenditure and resources, and reports back to Members any material findings and recommendations.
5. That the membership of the Cabinets Capital Monitoring Group remains as last year.

**10d. Scheme of Members' Allowances 2009/10**

The Council considered the recommendation of the Independent Remuneration Panel in respect of the Scheme of Members' Allowances 2009/10.

In considering the report presented Members identified the following issues to which the Leader of the Council and Portfolio Holder responded:

- Payment of Vice-Chairs
- Data Protection

**Resolved:**

That an alternative recommendation was moved and seconded that the current Scheme of Members' Allowances be retained.

**11. APPOINTMENT OF DEPUTY MAYOR FOR 2009/10**

The Council considered the nomination of Councillor Trevor Unsworth as Deputy Mayor for 2009/10.

**Resolved:**

That Councillor Trevor Unsworth be nominated as Deputy Mayor in 2009/10 at the Annual Meeting in May.

**12. RECOMMENDATIONS FROM THE CABINET AND OTHER COMMITTEES**

**12a. Recommendation of the Cabinet and the Standards Committee:  
Pilot for Proposed Joint Working with other Councils - Standards**

The Council considered the recommendation of the Cabinet and Standards Committee in respect of the proposal for joint working with other Councils in relation to complaint handling via the Standards Committee.

**Resolved:**

That a more detailed report on the following matters, be further considered by the Standards Committee and a further report be presented to Council :-

- To obtain from the Standards Board the logistics of the proposal and how it would work in practical terms including details of accountability
- To ask the Standards Board to provide clarification of their definition of an Independent Member
- To ascertain the arrangements in respect of the recruitment of Independent Members in other authorities
- Information on how the Town Council would link in with the arrangement
- Explore the option of additional capacity of the Committee by appointing more members
- Financial implications of all options to be investigated

**12b. Recommendation of the Cabinet:  
Constitution of Lancashire Local - Rossendale**

The Council considered the recommendation of the Cabinet in respect of the Constitution of Lancashire Local Rossendale.

**Resolved:**

That the Constitution of Lancashire Local Rossendale as amended be formally adopted with immediate effect.

**12c. Recommendation of the Standards Committee:  
Publication of the Register of Members' Interests on the Council's Website**

The Council considered the recommendation of the Standards Committee in respect of the publication of the Register of Members' Interest on the Council's website.

**Resolved:**

That the matter be deferred for further consultation with all Elected Members.

**12d. Recommendation of the Standards Committee: Amendments to the Constitution**

The Council considered the recommendation of the Standards Committee which set out proposed amendments to the Constitution.

**Resolved:**

That the Council adopts the revised Constitution together with the further following amendments in relation to the Call-In Procedure for Delegation Applications (as set out on pages 7 and 8 of the report):

- That paragraph 1 on page 7 to include Independent Members.
- That paragraphs 3 and 5 on page 7 be deleted together with any reference to nominated Call-In Councillors.
- That paragraph 6 on page 7 be amended from 6 to **3**.
- That paragraph 8 on page 7 be amended as follows:  
"Call-Ins will be date stamped on receipt. They must be emailed or sent in writing to the Planning Manager".
- That paragraph 2 on page 8 be amended as follows:  
"Any member considering callin in an application must first discuss the reason for call-in with the Executive Director of Business or the Planning Manager to ensure that the reasons fit within the planning framework".

**13. URGENT DECISIONS**

The Mayor reported that the Cabinet had not taken any urgent decisions since the last meeting.

**Resolved:**

That it be noted that there were no urgent decisions taken.

**14. EXCLUSION OF PUBLIC AND PRESS**

**Resolved:**

That the public and press be excluded from the meeting during consideration of the following item of business on the grounds that it involves disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) under Part 1 Paragraph 3 of Schedule 12A to the Local Government Act 1972 and information which is subject to any obligation of confidentiality as defined in Part 1 Paragraph 8 of Schedule 12A to the Local Government Act 1972.

**N.B.** Councillors L. Barnes, Cheetham, Dickinson, Essex, Robertson and Unsworth left the meeting prior to the start of the following item.

**15. ASSET DISPOSAL**

The Council considered the recommendation of the Cabinet in relation to the Asset Disposal report.

**Resolved:**

That the recommendations of the report be agreed.

**(The meeting started at 7.00pm and concluded at 9.45pm)**

Signed.....

(Chair)

Date .....