

COUNCILLOR JEFFREY CHEETHAM MAYOR

MINUTES OF: THE COUNCIL OF THE BOROUGH OF ROSSENDALE

Date of Meeting: 19th October 2005

PRESENT: The Mayor Councillor J Cheetham (in the Chair)
Councillors Atkinson, A Barnes, D Barnes, L Barnes,
Challinor, Disley, Driver, Eaton, Entwistle,
Farquharson, Forshaw, Graham, Hancock, Lamb,
Marriott, Neal, Nicholass, Ormerod, J Pawson, S
Pawson, Pilling, Robertson, Ruddick, Starkey, H
Steen, P Steen, Thorne, Unsworth and Young.

IN ATTENDANCE: Carolyn Wilkins, Deputy Chief Executive
George Graham, Executive Director of Resources
Phil Seddon, Head of Financial Services
Julian Joinson, Democratic Service Manager
Elaine Newsome, Committee Services Manager

APOLOGIES: Councillors Crosta, Huntbach, McShea, Sandiford
and Swain.

Apologies were also received on behalf of the Owen
Williams, Chief Executive, and Wendy Oliver, the
Mayor's Chaplain.

BUSINESS MATTERS

1. MINUTES

Resolved:-

That the minutes of the Council meeting held on 21st September 2005 be
signed by the Mayor as a correct record.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

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

The Leader reported that this was the last Council meeting before Mark
Weston, Head of Legal and Democratic Services, left his employment with the
Council to take up a new position. Mr Weston could not be present tonight
due to sickness.

Members thanked Mr Weston for his service and wished him well for the future.

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

4. MEMBERS' QUESTION TIME

Councillor A Barnes asked the following question:-

There are rumours flying around that the furniture for the new office accommodation at Futures Park cost in excess of £100,000. I am sure you will agree this sounds outrageously high. Can you please confirm the actual cost of the move and in particular the furniture costs?

The Leader replied that the tender price for furniture was approximately £70,000 for all staff at Futures Park, some areas of Stubbylee Hall and the One Stop Shop in the Town Hall Annexe. With around 200 staff this represented good value at £350 per head. The furniture was required to ensure staff could work in a healthy and safe environment with sufficient space to carry out their work properly.

Councillor A Barnes asked the following question:-

You will remember at the last Lancashire Local meeting and our last Council meeting I asked what the proposed One Stop Shop would actually be offering to residents by way of service activity? I agreed at last Council to wait for a report being prepared for your last Cabinet meeting. Unfortunately, that report did not appear. Can you, therefore, confirm exactly what service will be on offer to local residents and when you expect the One Stop Shop to open?

The Leader indicated that a detailed report on the One Stop Shop would be provided to the Cabinet on 9th November 2005. The facility would provide a first point of contact for a number of the Council's frontline services. It was anticipated that the facility would open in December on a pilot basis in order to test out the IT and other systems, with a full launch planned for January 2006. A Member Training event on the services to be provided, including a site visit to the One Stop Shop, was planned for 14th December 2005.

Councillor A Barnes asked the following question:-

Who took the decision to restrict the number of elected members permitted to attend the Count at the By-election to only seven from each party, given that this was a useful way for Members to participate in local democracy?

The Leader responded that the decision was solely for the Returning Officer to determine, based upon a number of relevant criteria.

Councillor Hancock asked the following question:-

The One Stop Shop was planned to be open in September this year and the

previous answer on this matter highlights that it is around four months behind schedule. In the light of uncertainty about provision for the services provided at present through the Tourism Information Centre can we review plans to close the TIC until we are certain that the service provided in the One Stop Shop is equal to that provided now by the TIC? Within the Corporate Plan the One Stop Shop is crucial to putting customers first, improving levels of customer satisfaction and access to services. Could you tell me what the future use of the TIC office would be if the closure plan is not reconsidered?

The Leader replied that it was important to get the One Stop Shop services right. The original target dates had been rather over-optimistic and it was preferable to provide the right service for customers than to hit the target dates. The Tourism Information Centre was the subject of a separate review and would not close until appropriate arrangements had been made to meet the needs of tourism in Rossendale. The future of the Kay Street offices was part of the Accommodation Strategy and was linked to the wider redevelopment proposals for the Town Centre of Rawtenstall.

Councillor Hancock asked the following question in respect of the Whitworth Civic Hall contract sum:-

Could you tell me what the contract sum is for the proposed rebuilding of Whitworth Civic Hall and what facilities are to be provided for the Neighbourhood Office?

The Leader replied that a preferred partner for the construction had been identified, although no contract had yet been entered into or final sum agreed. The Council's consultants were in the process of agreeing final specifications based on the final design requirements. In the event of an overrun on capital costs the matter would be referred back to the Cabinet to discuss. It was envisaged that that building works would commence before the end of the year. There were no plans to provide a replacement Neighbourhood Office within the facility. However, the specification included some bespoke accommodation for the Police and potential for other community based facilities for Council Services.

Councillor Hancock asked the following question concerning the maintenance costs of the Panopticon project:-

What are the ongoing costs to the Council and what provision has been made for these costs?

The Leader reminded Councillor Hancock that he was a Member of the Executive on 20th April 2005, which considered a range of issues in respect of the Halo Panopticon, including the likely on-going maintenance costs. The on-going maintenance costs were dependent on the extent of the scheme selected and ranged from £1,500 for a basic scheme to £5,500 (rising to £7,500 after three years) for a more comprehensive scheme. The existing costs for maintaining the site as an operational/non-operational site were of the order of £6,000. The current proposals were for a substantial

development, which would provide a significant investment and enhance the area.

Councillor Hancock asked the following question in relation to training:-

Clearly an issue about the very poor attendance at recent training sessions, in addition the cost of three people coming from Carlisle, Rushcliffe and East Staffordshire for a session with four members has to be examined. Can I ask that we look at content and timing of meetings and if possible combine issues to reduce the number of sessions? Can I ask also for the total cost during this financial year of the mentoring arrangements including the cost of expenses paid to mentors.

The Leader answered that an outline programme of Member Development sessions was approved recently by the Council when it considered its revised Committee Schedule for 2005/06. Training days were set on days not otherwise allocated for Council meetings. However, some clashes with outside bodies and personal commitments were inevitable. The content of training sessions was planned so as to be informative, but not too lengthy. Some 14 sessions had been held since 1st April 2005 and in general these had been well attended with an average of 12 members attending each session. It was acknowledged that the particular session identified, part of a training programme being delivered by the I&DeA, had been poorly attended. The net cost to the Council of the overall I&DeA training programme was approximately £11,000 and expenses for facilitators and mentors would be in the region of an additional £1,500.

Members commented on a number of issues including access to training venues and prioritisation of commitments. The Leader indicated that the Astoria was no longer available because it had closed prior to demolition. Suggestions about the timing and content of Member training could be discussed at the newly formed Member Development Working Group, on which Councillor Hancock served.

Councillor Neal asked the following question:-

Can the Leader of the Council explain what follow up action is taken by the Council's legal officers in respect of persons in receipt of notices served by Enforcement Officers regarding fly-tipping and other such environmental nuisances?

The Leader indicated that the Council's legal officers would prosecute under the relevant statute for non-payment of fixed penalty fines and prosecute cases of fly tipping where appropriate evidence was obtained, upon the instruction of Street Scene and Liveability officers. However, since the introduction of the Neighbourhood Environmental Action Teams (NEATs) further legal action had not been necessary. Some 39 notices had been served under various categories of environmental protection legislation.

Members commended the success of the NEAT Teams.

Councillor Neal asked the following question:-

I was unaware of the proposed changes to Development Control Committee prior to the last meeting of Council due to difficulties with my Council laptop, which meant that I did not receive this information. I am concerned about a loss of expertise on the Committee. How can the Council place Members on Development Control without having any prior training?

The Leader replied that the appointment of individual members to Committees was a decision taken by full Council. Once appointed to a particular Committee, Members were encouraged to access any relevant training. In the case of Regulatory Committees, which made quasi-judicial decisions, such as Development Control, specialist training was provided within a short time of appointment and prior to the commencement of service.

Councillor Lamb asked the following question:-

Could the Leader let Members know what has happened to the Council diary, given the six month delay how effective it will be and when are councillors likely to receive them.

The Leader agreed to send a written response to all Members.

Councillor Robertson asked who's decision it was to appoint Councillor Young to the Development Control Committee, given his experience on Overview and Scrutiny Committee. Councillor Hancock asked how Councillor Young had been nominated prior to the appointment being made.

The Leader reiterated his earlier response that those Members present at Council on 21st September 2005 had collectively taken the decision about appointments to Committees. Prior to that meeting Democratic Services officers had circulated a consultation document to all political groups seeking nominations for Committee membership. Councillor Neal's transfer off the Development Control Committee had been solely due to the rules relating to political balance.

Councillor Farquharson asked the following question:-

Can I have some more information in relation to the equity release scheme for private sector homes?

Councillor Driver, Portfolio Holder for Street Scene and Liveability, replied that a report had been provided to Members in March 2005 about the new equity release scheme. A service level agreement had been entered into with the various partner organisations and training had been provided for staff. When enquiries were received officers assessed the financial and housing needs of the applicant and undertook a home visit. Information was then forwarded to West Pennine Housing who also visited to discuss the implications further. Some 95 enquiries had been received so far, the majority of which were from

the over 60s age group. The new system was working well and it was hoped that this would help to bring the private housing stock up to standard. A report would be provided to the relevant Overview and Scrutiny Committee in March 2006. The scheme was separate from adaptations work, which remained part funded by Government grant and part by the Council.

Councillor Forshaw commented that only six members of the public had attended a recent Area Forum and that venues for Council meetings should be central and accessible for both the public and elected Members. She asked whether the Leader would consider the suitability of venues.

The Leader replied that venues were constantly under review. Meetings of full Council had settled at Bacup Leisure Hall as an interim measure; Area Forums tended to rove around within their region in order to attract residents from different localities; and the Executive had piloted a Borough-wide roving approach, but this had not been particularly successful. In respect of Area Forums, the Overview and Scrutiny Committee had recently considered a number of proposals for their continued development.

Councillor Forshaw also indicated that she had written to the Chief Executive to enquire why, at a recent meeting of the Rawtenstall Area Forum, no officer was in attendance to discuss an item on the Rawtenstall Town Centre Development Plan. She stated that no reply had yet been received and that the Chief Executive was not present tonight to answer her query. She asked if she would ultimately receive a response.

The Leader replied that due to an administrative error, no officer was detailed to speak to the item in question. The Leader apologised for the error and for any inconvenience caused to those who had attended the meeting. The Chief Executive was not present tonight because he was in Edinburgh on Council business and was properly represented here by the Deputy Chief Executive.

Councillor A Barnes asked about the total cost of the proposed office accommodation moves.

The Leader indicated that as the moves had not yet taken place he was unable to give a precise reply. However, following the moves a written reply would be provided.

5. PUBLIC QUESTION TIME

A representative of the Rossendale Chartists raised a query in relation to the Halo Panopticon, which had been considered at a recent meeting of the Development Control Committee. She referred to a letter dated 17th October 2005 and supporting documentation, which had been circulated to all councillors in advance of the meeting. She indicated that it was important that members of the public felt that their views were being listened to. She considered that the decision in respect of the Panopticon was flawed and also stated that the Ombudsman report elsewhere on the Agenda had highlighted a similar issue in relation to residential amenity.

She asked whether the planning permission in respect of the Panopticon was to be reconsidered and whether the timetable for the Local Development Scheme would be amended so that a policy on residential amenity could be drafted and issued for consultation as a matter of urgency.

The Leader responded that the Chartists contacted the Council on an almost daily basis, often forwarding complex and detailed e-mails to several officers at the same time. Whilst a number of the comments were helpful, in general the level of officer time required to respond to every question was excessive and a poor use of scarce resources at a time when officers were committed to improving Council services. The submission of a document containing 66 detailed questions at Public Question Time was considered to be an abuse of the system. The Council was committed to listening to its customers' views. In addition, the Council made available to the public via its website, a significant amount of information about Council policies and services.

The Leader indicated that it would not be appropriate for the Development Control Committee to reconsider its decision and he did not consider that the Local Development Framework timetable should be amended.

A local resident spoke about the Panopticon and considered that the project was a waste of public money. He expressed the view that the design, location and materials were flawed and that parking, access and crime and disorder issues had not been fully considered. He considered that there had been a lack of public consultation about the proposed scheme and asked what evidence there was of public support for the project.

The Mayor indicated that the project would be financed through external grant funding. A number of public meetings about the project had taken place in Haslingden. The Leader responded that because the project was grant funded, the money could only be used for that purpose. In order for the project to proceed Groundwork would need to raise some additional funding. The Leader was not in a position this evening to comment upon the grounds for the decision taken by the Development Control Committee, but offered to forward this information to the member of the public concerned, should he wish to leave his contact details.

A local resident indicated that he had been involved in the campaign to prevent the siting of a Waste Transfer Station in Rossendale and thanked the councillors and Chartists for the help that they had provided. He indicated that he was pursuing a complaint with the Local Government Ombudsman in respect of the residential amenity issue. He also referred to a planning case against the Council brought in the name of B Wilkinson in 2002, in which a ruling had been made against the Council. He asked why it appeared that Council officers had not learned from previous errors of judgement.

The Leader indicated that it was not permitted to discuss individual cases under the public speaking procedures. However, the Council did learn from previous experiences. The organisational review had resulted in a group of

talented officers being attracted to the Council to improve its services.

A resident asked that the procedure for public consultations should be improved. The Leader responded that if he received details of the specific issue in question he would provide a full written reply.

CONSTITUTIONAL MATTERS

6. APPOINTMENT OF VICE-CHAIRS OF THE OVERVIEW AND SCRUTINY COMMITTEES

The Leader indicated that it was proposed to appoint Vice Chairs of the two Overview and Scrutiny Committees.

Resolved:

That Councillor H Steen be appointed Vice-Chair of the Policy Development Overview and Scrutiny Committee and that Councillor Starkey be appointed Vice-Chair of the Audit and Performance Management Overview and Scrutiny Committee.

ORDINARY ITEMS OF BUSINESS

7. LOCAL GOVERNMENT OMBUDSMAN

Councillor Farquharson presented a report of the Head of Legal and Democratic Services on the outcome of a complaint of maladministration by the Council made to the Local Government Ombudsman. There was an obligation under s30 of the Local Government Act 1974 for the Council to publicise and give consideration to the findings of an Ombudsman report, where evidence of maladministration and injustice was determined.

Councillor Challinor indicated that the complaint had been in connection with a development control issue. Although, the Authority had accepted that there had been maladministration in this instance, it was felt that in general the service was making significant improvements.

Councillor Hancock commented that he hoped that the various elements of the Local Development Scheme would be introduced as soon as possible. He also reminded Members of the Development Control Committee of their responsibility to consider each application carefully on its own merits and to listen to any relevant local views.

Councillor Neal stated that the legislation in respect of development control had become increasingly more prescriptive and decisions were now based upon detailed Planning Policy Guidance.

Resolved:

1. That the report be noted; and

2. That the implications of the findings of maladministration and injustice on the part of the Council and the remedial actions undertaken be noted.

8. STATEMENT OF FINAL ACCOUNTS 2004/05

Councillor Ormerod presented a report of the Finance Manager in connection with the District Auditor's letter from the Audit Commission and the amended Financial Statement in respect of the financial year 2004/05.

Members thanked the Head of Financial Services and his team for their hard work in producing the Statement of Final Accounts.

Resolved:

1. To note receipt of the Compliance with Statement of Auditing Standards (SAS) 610 letter and the accompanying letter from the Audit Commission; and
2. To approve the amended Statement of Accounts.

RECOMMENDATIONS TO COUNCIL

Cabinet – 12th October 2005

9. MEDIUM TERM FINANCIAL STRATEGY 2006/07 – 2008/09

Councillor Ormerod presented a report of the Executive Director of Resources concerning the Council's Medium Term Financial Strategy. The report had been considered by the Policy Development Overview and Scrutiny Committee on 3rd October and Cabinet on 12th October 2005 and set out the parameters for the future budget process.

Councillor A Barnes thanked Mr Graham for the report and raised a query in relation to the revenue implications of the parks and opens spaces service and the Council's policy in relation to off street parking. Councillor Neal commented that the RSG settlement assumed that all Authorities charged for off street parking and, therefore, those Councils who did not do so were penalised.

The Leader indicated that the policy on parking charges was kept under review.

Resolved:

To approve the Medium Term Financial Strategy 2006/07 – 2008/09.

(The meeting started at 7.00pm and concluded at 9.00pm)