

COUNCILLOR GLADYS SANDIFORD, MAYOR

MINUTES OF: THE COUNCIL OF THE BOROUGH OF ROSSENDALE

Date of Meeting: 20th July 2011

PRESENT: The Mayor Councillor Sandiford (in the Chair)
Councillors Aldred, A. Barnes, L. Barnes, Cheetham,
Crawforth, Driver, Eaton, Essex, Evans, Farrington, Gill,
Gledhill, Graham, Jackson, Kenyon, Lamb, McInnes,
MacNae, Marriott, May, Milling, Morris, Neal, Nuttall, Oakes,
Pilling, Roberts, Robertson, Serridge, Shipley, D. Smith, M.
Smith, Stansfield, Steen and Wilkinson

IN ATTENDANCE: Helen Lockwood, Chief Executive
Stuart Sugarman, Director of Business
Fiona Meechan, Director of Customers and Communities
Carolyn Sharples, Committee and Member Services
Manager
Mike Riley, Communities Manager
Phil Seddon, Head of Finance and Property Services
Tracy Brzozowski, Public Protection Manager
Steve Jackson, Head of Health, Housing and Regeneration
Michael Tipper, Mayor's Attendant
Bernard Gwyn, Mayor's Attendant
Kester Dean, Citizens Advice Bureau
Nick Pilling, Citizens Advice Bureau

ALSO PRESENT: Lancashire County Councillor Winder
Lancashire County Councillor Steen
1 representative of the press
74 members of the public

1. APOLOGIES FOR ABSENCE

There were no apologies submitted.

2. MINUTES

Resolved:

- That the minutes of the Annual Council meeting held on 20th May be signed by the Mayor as a correct record.

3. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

4. DECLARATIONS OF INTEREST

Minute item 8 – Councillor Pilling declared a personal and prejudicial interest as he had a close connection with the tennis club and was affected by the proposals.

Minute item 8 – Councillor Aldred and Councillor Morris declared a personal interest as they were on the board of Rossendale Leisure Trust.

Minute item 8 – Councillor Evans asked for advice on whether he had a personal interest as his grandson plays for the tennis club. He was advised by the Monitoring Officer that there did not appear to be any financial interest and it would be for the councillor to make a declaration if there was a financial interest.

5. OUTSTANDING ITEMS OF BUSINESS FROM THE LAST MEETING

There were no outstanding actions to report.

6. UPDATES AND PRESENTATIONS FOR MEMBERS: Citizens Advice Bureau

The Mayor welcomed Mr. Kester Dean and Mr. Nick Pilling from the Citizens Advice bureau to the meeting to give members an update on their work, achievements and current projects.

Mr Dean gave a presentation to members and informed them of:

- The number of clients helped.
- Call handling.
- Financial outcomes secured for clients.
- Numbers of clients assisted per ward.
- Service points and types of enquiry.
- Types of debt renegotiated through the Money Advice Unit.
- Types of debt enquiries.
- Funding streams.
- Client profile.
- Case studies.
- Health benefits.
- Fighting for fairness.
- Volunteering and training.
- Homelessness.

Councillor Essex declared an interest that he was a trustee of the Citizens Advice Bureau (CAB).

In considering the update members commented on the following:

- Pressures and resources.
- Resources at ground level.
- How can the Council best support the CAB?
- Impact of not enough social housing.

- Time taken to get appointments from initial contact.
- Involvement between debtors and bailiffs.

In response to members questions Mr. Dean and Mr. Pilling clarified that:

- They were getting money from the government transitional fund.
- They could take over Consumer Direct.
- Support would be needed with the challenge of homelessness.
- Support would be better if services were commissioned rather than awarded through grants.
- There is a need for a decent choice in housing.
- Appointments are usually made within a week but it can fluctuate.
- It is very rare it gets as far as the bailiffs and they are not dealt with directly.
- They try to resolve with Capita for Council Tax debts.

The Mayor thanked Mr. Dean and Mr. Pilling for their participation in the meeting.

7. COMMUNITY ENGAGEMENT, PUBLIC QUESTION TIME

The following issues were raised by members of the public and were answered by the Leader or designated person:

| No | Issue | Questioner | Answered by (and action) |
|----|--|---------------------------------|---|
| 1. | Proposed scrapping of the new pool to replace Haslingden Swimming Baths. | Mr M. McGrath | Councillor Wilkinson |
| 2. | Total money spent on the Haslingden pool scheme, further costs incurred and money lost if the scheme was cancelled? Were the fees to KKP included? | Mr J. Lund | Councillor A. Barnes – agreed that if KKP costs were separate she would detail this in writing as well as costs incurred. |
| 3. | Revised pool scheme value for money? In agreement with the consultant? | Mrs L. Lund | Councillor A. Barnes |
| 4. | Farm collections. | Mr M Crooks (not in attendance) | Councillor A. Barnes – agreed to send a written response. |
| 5. | Breakdown of costs for the pool. | Mr L. Kershaw | Councillor A. Barnes – agreed to send a breakdown of costs so far in writing. |
| 6. | Tendering process at Marl Pits and Haslingden and Freedom of Information Request. | Mr L. Entwistle | Councillor A. Barnes |

| | | | |
|-----|---|--------------|---|
| 7. | Costs and consultation regarding the remote waste collections. | Ms L. Hamm | Councillor A. Barnes – agreed to send a written response to any points not responded to in the meeting. |
| 8. | Reconsider waste collections decision and have a proper consultation. | Mr A. Bowler | Councillor A. Barnes |
| 9. | Future generations at risk and cost to NHS if there is no swimming provision. | Ms J. Curtis | Councillor A. Barnes |
| 10. | Remote waste collection policy flawed, will it be cancelled? | Ms J. Walsh | Councillor A. Barnes |

The Mayor informed members of the public that anyone who had not had the opportunity to ask a question during the meeting could write down their question and they would receive a written response.

N.B. Councillor Pilling left the meeting for the following item as he had declared a personal and prejudicial interest.

8. NOTICE OF MOTION

The Council considered the Notice of Motion which had been submitted by Councillors Gledhill and D.Smith.

Councillor Gledhill formally moved the motion which was seconded by Councillor D.Smith as follows: “This Council calls for the immediate implementation of the final recommendations of the KKP Report, including the building of a new pool at Haslingden, which was fully supported by Full Council. Furthermore the council calls for an immediate review into the negotiations leading to the award of the contract for the running of the ski slope.”

Councillor A.Barnes moved an amendment to the notice of motion: “This Council notes the large amount of investment in leisure and recreation over the last few years. The council further notes the current economic climate, and the ongoing, increasing financial pressures facing the council. Regeneration is a key priority for this council, particularly in times like these. We are determined as a council to serve all parts of the borough, and to do our very best to limit the impact of the difficult financial situation on our services. This council therefore supports the move to put on hold the £3.2m new pool for Haslingden until 31st August 2011, so all options facing the council can be fully considered.”

Councillor Essex requested a legal opinion on whether the amended motion negated the original motion. The Monitoring Officer confirmed that it did not negate the original motion and was valid.

Councillor MacNae seconded the amendment.

In considering the amendment members discussed the following:

- Clarity on unanimously supporting the decision.

Councillor Gledhill challenged a statement that the decision on the Ski Slope was unanimous, to which the Leader responded that the decision was unanimous.

Members continued to discuss the following:

- The leisure proposals gaining full council support.
- Reviewing Haslingden but going ahead with Marl Pits.
- No papers or training or consultation with group leaders.
- Meeting cancelled on 11th July.
- Membership of the Rawtenstall Town Centre Steering Group.
- Rumours of flattening Valley Centre and creating a car park.
- New controlling group need time to reflect on priorities.
- Complexities of financial circumstances.
- Electorate expect policy change with change of control.
- Closure of Bacup baths.
- Serious state of Haslingden Pool.
- The money is already ring fenced.
- Mistakes on the size of the building.
- Increase in inflation and cost of materials.
- Need to investigate
- Disadvantaged individuals and health issues.
- Give aspirations and incentive for youth to stay in the valley.

The Leader of the Council challenged a statement that there had been a decision made to stop building a pool in Haslingden.

Members continued to discuss the following:

- KKP report and Business Plan.
- Cost of leisure will fall as benefits maximise and will reduce spending over the medium term.
- When will pool be achieved?
- Funding acquired for purpose of the pool.
- It will bring employment.
- Previous leisure proposals were reflected on.
- Reasons for review and regeneration.
- Inaccuracies of KKP report and quoting outdated information.
- Fitness volumes and running costs.
- Redesigns would need to be submitted.
- Unanimous cross party decision regarding the lease of the Ski Slope.

Councillor Gledhill again challenged a statement that the decision on the Ski Slope was unanimous.

Members continued to discuss the following:

- Best deal achieved for Ski Slope would be both bidders working together.
- Revised design not made public but in line with the KKP report.

- Demolition of Town Centre and ownership not linked.
- None of earmarked money has been spent on any other project.
- Need for the bus service to take people to swim.
- Haslingden pool is a priority regeneration project.
- Previous proposals to close many leisure facilities withdrawn.
- Current proposals £2 million over budget, need alternative proposal.
- Decision at Cabinet on 31st August.
- Need best proposals for the people of Rossendale.
- Need to consider risk and plans need to stand up to robust analysis.
- Forecasts not revised since 2009.
- KKP report does not suggest that latent demand exists.

A recorded vote was requested by Councillors Essex, Gill and Driver.

Voting on the amendment took place the results of which were as follows:

| | |
|-----------------|---------|
| Cllr Aldred | For |
| Cllr A Barnes | For |
| Cllr L Barnes | Against |
| Cllr Cheetham | Against |
| Cllr Crawforth | For |
| Cllr Driver | Against |
| Cllr Eaton | Against |
| Cllr Essex | Against |
| Cllr Evans | Against |
| Cllr Farrington | For |
| Cllr Gill | For |
| Cllr Gledhill | Against |
| Cllr Graham | Against |
| Cllr Jackson | For |
| Cllr Kenyon | For |
| Cllr Lamb | For |
| Cllr McInnes | For |
| Cllr MacNae | For |
| Cllr Marriott | For |
| Cllr May | Against |
| Cllr Milling | Against |
| Cllr Morris | Against |
| Cllr Neal | For |
| Cllr Nuttall | For |
| Cllr Oakes | For |
| Cllr Roberts | For |

| | |
|--------------------|-----------|
| Cllr Robertson | For |
| Cllr Sandiford | Against |
| Cllr Serridge | For |
| Cllr Shipley | Against |
| Cllr D Smith | Against |
| Cllr M Smith | For |
| Cllr Stansfield | Against |
| Cllr Steen | Against |
| Cllr Wilkinson | For |
| For | 19 |
| Against | 16 |
| Abstentions | 0 |

The amendment was carried and became the substantive motion. No further amendments were made.

Members requested a recorded vote on the substantive motion the results of which were as follows:

| | |
|-----------------|---------|
| Cllr Aldred | For |
| Cllr A Barnes | For |
| Cllr L Barnes | Against |
| Cllr Cheetham | Against |
| Cllr Crawforth | For |
| Cllr Driver | Against |
| Cllr Eaton | Against |
| Cllr Essex | Against |
| Cllr Evans | Against |
| Cllr Farrington | For |
| Cllr Gill | For |
| Cllr Gledhill | Against |
| Cllr Graham | Against |
| Cllr Jackson | For |
| Cllr Kenyon | For |
| Cllr Lamb | For |
| Cllr McInnes | For |
| Cllr MacNae | For |
| Cllr Marriott | For |
| Cllr May | Against |
| Cllr Milling | Against |
| Cllr Morris | Against |

| | |
|--------------------|-----------|
| Cllr Neal | For |
| Cllr Nuttall | For |
| Cllr Oakes | For |
| Cllr Roberts | For |
| Cllr Robertson | For |
| Cllr Sandiford | Against |
| Cllr Serridge | For |
| Cllr Shipley | Against |
| Cllr D Smith | Against |
| Cllr M Smith | For |
| Cllr Stansfield | Against |
| Cllr Steen | Against |
| Cllr Wilkinson | For |
| For | 19 |
| Against | 16 |
| Abstentions | 0 |

Resolved:

1. That this Council notes the large amount of investment in leisure and recreation over the last few years. The council further notes the current economic climate, and the ongoing, increasing financial pressures facing the council. Regeneration is a key priority for this council, particularly in times like these.
2. We are determined as a council to serve all parts of the borough, and to do our very best to limit the impact of the difficult financial situation on our services. This council therefore supports the move to put on hold the £3.2m new pool for Haslingden until 31st August 2011, so all options facing the council can be fully considered.

N.B. Councillor Pilling returned to the meeting for the remaining items.

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

The Mayor had no communications to report.

The Leader of the Council informed members of the decision to grant the lease of the site of the former Ski Rossendale to SKI ROSSENDALE LIMITED. This had been a unanimous cross party decision following presentations and interviews from the two bidders. The Leader wished them every success on behalf of the Council.

In response to a point of order from Councillor Gledhill regarding the unanimous cross party decision, the Leader agreed to make the minutes of the meeting public.

The Leader informed that Councillors Jackson and Driver were working to encourage people to walk in Rossendale. Volunteers were required to test some of the routes.

The Chief Executive reported that a petition had been received and asked the Mayor if Council could receive the petition. The petition contained over 1000 signatures in relation to the 464 bus service. The Mayor agreed to receive the petition on behalf of the Council.

ORDINARY BUSINESS

10. RECOMMENDATIONS FROM THE CABINET AND OTHER COMMITTEES

10a. Recommendation of the Overview and Scrutiny Management Committee: Scrutiny Annual Report 2010/2011 and Scrutiny Work Programme 2011/2012

The Council considered the Scrutiny Annual Report for 2010/2011 and the Scrutiny Work Programme for 2011/2012.

Resolved:

1. That Council approves the Overview and Scrutiny Annual Report 2010/11.
2. That Council approve the Overview and Scrutiny Work Programme 2011/12.

10b. Recommendation of the Governance Working Group: Constitution Review

The Council considered the amendments proposed to the Constitution.

In considering the report members discussed the following:

- Returning to the previous Neighbourhood Forum format.
- Putting public and members questions in the public domain.
- Taking questions back to Governance Working Group.
- Deleting the sections on members questions.
- No impact on decision.

Councillor Essex moved and Councillor D. Smith seconded an amendment to delete the section on members questions at 5.1, 5.2 and 5.3.

In considering the amendment members discussed the following:

- Taken long enough to get to this point.
- Putting questions on the web.
- Questions not statements at 10.2.5
- Date of the Governance Working Group 6th September.

Members voted on the amendment.

The amendment was lost and members voted on the original recommendation.

Resolved:

That the Council adopts the Constitution, as amended.

10c. Recommendation of the Licensing Committee, Policy Overview and Scrutiny Committee and Governance Working Group: Proposed amendments to the Street Trading Policy

The Council considered the proposed amendments to the current Street Trading Policy and considered an updated recommendation which had been circulated and included the recommendations from other committees.

In considering the report members discussed the following:

- Correction to the “Report to” section.
- Community groups complete the form and have no charge.
- Oppose community groups having to undertake additional actions.
- Change wording at 4e. to “....they will be given 3 working days to respond”.
- Ice cream vendors and all mobile vendors.

In response to a question from members, the Public Protection Manager confirmed that ice cream vendors had been used as an example of mobile vendors.

Resolved:

That the Council agrees the following amendments:

1. Amend Condition 21 to read “*Consents will be granted for a period of either 12 months or 14 days from the date of grant.*”
2. Amend Condition 4 to read “*Applications for a street trading consent, other than ice cream vendors, must state the site from which they wish to trade. Ice cream vendors must not allow their vehicle to remain stationary in any one place for a period exceeding 30 minutes, without written consent of the Licensing Authority.*”
3. Agree that Consent may be granted for a period of fourteen days for a fee of £75, but be exempt from payment for community events.
4. Agree that delegated authority is given to the Public Protection Manager to
 - a) Refuse the application when a valid objection is deemed to have been received, in consultation with the Chair of the Licensing Committee.
 - b) Grant an application where no objections are received.
 - c) Decide the extent of consultation for each application.
 - d) Issue Consent to the Organiser of an event which is run on a non-profit making basis to enable the Organiser in turn to allow trading on a specific site.
 - e) Consult with Ward Councillors on static consent’s, and they will be given 3 working days to respond.
5. Agree the required amendments are made to the Constitution of the Council.
6. Amend the special conditions which apply to ice cream vans Code of Practice to replace “*for longer than 4 seconds at a time*” and “*more often than once every 3 minutes*” to read “*more often or for longer than is reasonably necessary.*”

7. That Council delegates any further amendments of the street trading conditions and procedures to the Licensing Committee.
8. That any future minor amendments to the street trading conditions and procedures to be delegated to the Director of Business in consultation with the Portfolio Holder.
9. If Council determines that community events are exempt from payment for Consent as per the recommendation of Policy Overview and Scrutiny Committee, Council is requested to delegate the definition and conditions to Sian Roxborough, Head of Legal and Democratic Services in consultation with the portfolio holder.

10d. Recommendation of the Performance Overview and Scrutiny Committee: Performance Management Review

The Council considered the Performance Management Review.

Resolved:

1. That Full Council agrees the list of performance indicators which the Performance Overview and Scrutiny Committee has endorsed (set out in Appendix 1).
2. That delegated authority is given to the Head of People & Policy in consultation with the Portfolio Holder for any further changes to be made to individual indicators going forward as required.

10e. Recommendation of the Cabinet: Capital Spend

The Council considered the Capital Spend report.

In considering the report members discussed the following:

- Extra car spaces at Marl Pits but no pool at Haslingden.
- Business case to repay £4.6 million.
- Lancashire County Council grass cutting.
- Quality of the report.
- Small change in an enormous business plan.
- Successful in drawing back the costs of Marl Pits.
- Pressure on car parking at Marl Pits.
- Money will come out of the £5.6 million, not the general funds.
- Cars currently parked on the grass and down Newchurch Road.
- Facility serves the pool, Rugby Club and Running Club.
- Spend is related to reflection period, so why make a decision on this?
- Spend from original budget and does not impact on Haslingden pool contingency.
- Finance Officer to verify statement.

The Head of Finance and Property Services confirmed it was within the original investment of £5.6 million and owing to better deals on finance it was affordable.

Councillor Essex moved and Councillor D. Smith seconded an amendment to defer the decision to next meeting.

Members voted on the amendment.

The amendment was lost and members voted on the original recommendation.

Resolved:

That Members agree the additional investment of £110k in Car Parking facilities in order to complement the Marl Pits leisure development.

10f. Recommendation of the Civic Matters Working Group: Deputy Mayor arrangements for 2011/2012

The Council considered the Deputy Mayor arrangements for 2011/2012.

Councillor Essex informed members that he would accept the nomination for the position of Mayor for 2012/2013 if there was support from the members in the chamber.

N.B. Councillor Essex left the meeting for this item.

In considering the report members discussed the following:

- Members being fond of Councillor Essex.

Councillor Serridge moved and Councillor A.Barnes seconded that the vote be put now.

The Chief Executive clarified that once this motion had been moved and seconded members needed to vote whether to move straight to the vote without further discussion.

Members voted on the motion to move straight to the vote. The motion was carried.

Resolved:

1. To forgo having a Deputy Mayor for 2011/2012 to generate a cost saving, and to designate a chairperson for Council meetings to cover if the Mayor is unavailable.
2. That Councillor Brian Essex be nominated as Mayor for 2012/2013 at the Annual Meeting to be held in May 2012.
3. That Councillor Christine Gill be agreed as the chairperson for Council meetings to cover if the Mayor is unavailable.

N.B. Councillor Essex returned to the meeting for the remaining items.

As the time was 10.00pm and the meeting (not including public questions) had been in session for 3 hours, members voted on whether to continue the meeting or adjourn to another date.

Resolved: That the meeting would continue.

N.B. Councillors L.Barnes, Eaton and Steen left the meeting.

11. POLLING DISTRICT REVIEW UPDATE

The Council considered the update on the Polling District Review.

In considering the update members discussed the following:

- Encourage members to get involved in the review.

Resolved:

That full Council note the report and Members be asked to participate in the consultation process.

12. CONSULTATION RESPONSE: COMMUNITY TRANSPORT

The Council considered the report on Community Transport.

In considering the report members discussed the following:

- Cuts to community transport, isolation and charges.
- Vulnerable people and welfare.
- Benefit cuts and people with disabilities.
- Member Champion for Older People to report back.
- Levels of proposed fares.
- Quote from the County Council report that the "...fares proposal will undoubtedly meet with some resistance".
- People need access to affordable transport.
- Quality of the report.
- Suggestions to the County Council from the Community Transport Response Group should be in the public domain.
- Disappointed with negotiations on the 464 service.
- Supermarkets contributing to costs.
- £1 contributions and people feeling obliged to give £1.
- Working with the bus company.
- Unable to offer 24 hour transport in Rossendale.
- Would like buses to run to Oldham and Manchester hospitals.
- Working with social services; they could be helping.
- Working together for a better infrastructure for Rossendale.
- People expect to be able to get home from work and college.
- For people to be able to work they need to be able get to and from work.
- Erosion of the dial-a-ride service.
- Services finishing at 2.30pm is not acceptable.
- Joint conclusions of the working group are available.
- Not much support from County Council.

- Not possible to sit on every working group.
- Cross party working group should be acknowledged in the report.

N.B. Councillor May left the meeting.

Councillor A.Barnes informed that the Council was determined to keep the 464 bus service running and that the Council would support the service until March 2012 in light of the changes to subsidies in Manchester. There were plans for a new Portfolio Holder position to look at improving transport for local people and working with AGMA (Association of Greater Manchester Authorities) to develop the train service on the heritage line. In addition to this they would liaise with Lancashire County Council on community transport, the bus station and highways issues.

Resolved:

That Council notes the report.

13. NOTICE OF MOTION

The Council considered the Notice of Motion which had been submitted by Councillors Essex and Cheetham.

Councillor Essex formally moved the motion which was seconded by Councillor Cheetham as follows: “Rossendale Borough Council wishes to send a letter to congratulate the Duke and Duchess of Cambridge upon the occasion of their wedding. Furthermore the Borough extends a warm message of Good Wishes to their Royal Highnesses as they embark upon their State Duties.”

Councillor Serridge moved and Councillor A.Barnes seconded that the vote be put now.

Members voted on the motion to move straight to the vote. The motion to was carried.

A recorded vote was requested by Councillors Essex, Gledhill and Driver, the results of which were as follows:

| | |
|-----------------|-----|
| Cllr Aldred | For |
| Cllr A Barnes | For |
| Cllr Cheetham | For |
| Cllr Crawforth | For |
| Cllr Driver | For |
| Cllr Essex | For |
| Cllr Evans | For |
| Cllr Farrington | For |
| Cllr Gill | For |
| Cllr Gledhill | For |

| | |
|--------------------|------------|
| Cllr Graham | For |
| Cllr Jackson | Against |
| Cllr Kenyon | For |
| Cllr Lamb | For |
| Cllr McInnes | Against |
| Cllr MacNae | For |
| Cllr Marriott | Abstention |
| Cllr Milling | For |
| Cllr Morris | For |
| Cllr Neal | For |
| Cllr Nuttall | For |
| Cllr Oakes | For |
| Cllr Pilling | For |
| Cllr Roberts | For |
| Cllr Robertson | For |
| Cllr Sandiford | For |
| Cllr Serridge | For |
| Cllr Shipley | For |
| Cllr D Smith | For |
| Cllr M Smith | Against |
| Cllr Stansfield | For |
| Cllr Wilkinson | For |
| For | 28 |
| Against | 3 |
| Abstentions | 1 |

Resolved:

That Rossendale Borough Council sends a letter to congratulate the Duke and Duchess of Cambridge upon the occasion of their wedding and extends a warm message of Good Wishes to their Royal Highnesses as they embark upon their State Duties.

14. URGENT DECISIONS

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

15. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from consideration of the following items of business under Schedule 12A of the Local Government Act 1972, Part 1, Paragraph 3.

16. PURCHASE / LEASE / RENTAL OF COUNCIL LAND

The report and asked for member approval of the recommendations.

Resolved:

That the recommendations detailed in the report be approved.

17. USE OF CPO POWERS

The report and asked for member approval of the recommendations.

Resolved:

That the recommendations detailed in the report be approved.

18. QUESTIONS BY MEMBERS

The Mayor informed that the written questions submitted by members would be responded to in writing by the Leader.

(The meeting started at 6.30pm and concluded at 10.30pm)

Signed.....

(Chair)

Date