

COUNCILLOR BRIAN ESSEX, MAYOR

MINUTES OF: THE COUNCIL OF THE BOROUGH OF ROSSENDALE

Date of Meeting: 11th July 2012

PRESENT: The Mayor Councillor Essex (in the Chair)
Councillors Aldred, Ashworth, Barnes, Bleakley, Cheetham, Crawforth, De Souza, Eaton, Evans, Farrington, Fletcher, Gill, Hughes, Jackson, Kenyon, Knowles, Lamb, McInnes, MacNae, Marriott, Milling, Morris, Neal, Oakes, Pilling, Procter, Robertson, Sandiford, Serridge, Shipley, D.Smith, M.Smith 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
Phil Seddon, Head of Finance and Property Services
Liz Sandiford, Head of People and Policy
George Taylor, Mayor's Attendant

ALSO PRESENT: 2 representative of the press
12 members of the public

1. APOLOGIES FOR ABSENCE

Apologies were submitted for Councillors Creaser and Roberts.

2. MINUTES

Resolved:

That the minutes of the Annual Council meeting held on 25th May 2012 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

Councillor Aldred declared a personal interest in minute number 7 as he lived adjacent to the land identified in the report.

5. OUTSTANDING ITEMS OF BUSINESS FROM THE LAST MEETING

There were no outstanding items to report.

6. 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.	Public consultation, consultation with Rochdale and Greater Manchester Councils and inviting community engagement.	Mrs Lesley Ham	Councillor Barnes
2.	High Peak Road repairs and negotiations on contributions to repairs.	Mr Terrance Burke	Councillor Barnes

The Director of Business clarified that the road was unadopted. The particular section of road in question was the responsibility of the resident to whom a payment of £300 had been made to make the repairs.

The Leader of the Council asked the Director of Business to write to the resident and ask for the money to be used to make the repairs.

The Chief Executive agreed to look at the Council's powers in relation to a private transaction on an unadopted road, and would communicate what could be done.

No	Issue	Questioner	Answered by (and action)
3.	Would new planning permission be required as there was not enough stone at Middle Hill Quarry?	Town Councillor David Barnes/ Mayor of Whitworth	Councillor Barnes – agreed that the Director of Business would get back with a response.

The Mayor informed that as there was public interest in item E4 Council Land, the report would be taken as the next item.

7. COUNCIL LAND

The Council considered the report of the Head of Finance on Council land.

Councillor Marriott moved and Councillor Barnes seconded the recommendation of the report and Option 2 of the update, which was as follows:

Access from:	Blade Size	Offer	Impact / considerations
South (Rochdale) – subject to CPs “reasonable endeavours”	45m	£110k	<ul style="list-style-type: none"> • Little intrusion to the Landgate rock face • Approval of a Construction Method Statement required from the relevant highways authority (both Rochdale and Lancashire CC).

Councillor Serridge moved and Councillor Aldred seconded the following additional amendment: “If council approves any of the options listed, the receipt in relation to Landgate is earmarked to support activity in the Whitworth wards, and that the final allocation is delegated to the Head of Finance in consultation with the Leader and the Portfolio Holder for Finance and Resources.”

In considering the report members discussed the following:

- Further comments and representations.
- New powers from the Core Strategy to protect the local environment.
- Requesting more money.
- Legal challenge would cost the Council £200k.
- Refusal would be overturned.
- Support option 2.
- No support in the current format.
- Rossendale has enough wind farms.
- It will happen anyway, with or without payment.
- The Council cannot prove it owns the land.
- Risk Section 106 monies.
- Consultation for residents.
- Late information.
- Original plan fought by Rochdale but lost on appeal.
- Access from the south would mean no removal of rock and some of the main concerns addressed.
- Steward of the Lord of the Manor stated there were no problems with access from the south.
- No lease title, Landgate owner disputed.
- Steward asked for deeds of ownership, but they were not produced.

Members were asked to vote on the recommendation and option 2 with the addition of the amendment.

A recorded vote was requested by Councillors Serridge, Marriott and Lamb. Voting took place as follows:

Name	Vote
Cllr Aldred	For
Cllr Ashworth	For
Cllr Barnes	For
Cllr Bleakley	For
Cllr Cheetham	Against
Cllr Crawforth	For
Cllr De Souza	For
Cllr Eaton	Against

Cllr Essex	Abstain
Cllr Evans	Against
Cllr Farrington	For
Cllr Fletcher	For
Cllr Gill	For
Cllr Hughes	For
Cllr Jackson	For
Cllr Kenyon	For
Cllr Knowles	For
Cllr Lamb	For
Cllr McInnes	For
Cllr MacNae	For
Cllr Marriott	For
Cllr Milling	Against
Cllr Morris	Against
Cllr Neal	Abstain
Cllr Oakes	For
Cllr Pilling	Abstain
Cllr Procter	For
Cllr Robertson	For
Cllr Sandiford	Against
Cllr Serridge	For
Cllr Shipley	Against
Cllr D Smith	Against
Cllr M Smith	For
Cllr Wilkinson	For
Total For	23
Total Against	8
Total Abstention	3

The recommendation, Option 2 and the additional amendment became the substantive motion.

In considering the substantive motion members discussed the following:

- Option 2 best option.
- Position would be different if the Council could prove it owned the land.

- Introducing measures to reduce impact.
- Cost of legal challenge.
- Uncertainty of land ownership.

The Chief Executive clarified that the update had been circulated that afternoon, as there had been a meeting the previous week, but negotiations had been on-going till the morning of the meeting. The update did not introduce new information, but provided further clarification.

Members continued to discuss the following:

- If the Council could prove ownership, Coronation Power could compulsory purchase through the powers of the Electricity Act.
- No other alternative.

Members voted on the substantive motion.

Resolved:

1. That members accept Option 2 proposal from Coronation Power Limited as follows:

Access from:	Blade Size	Offer	Impact / considerations
South (Rochdale) – subject to CPs “reasonable endeavours”	45m	£110k	<ul style="list-style-type: none"> • Little intrusion to the Landgate rock face • Approval of a Construction Method Statement required from the relevant highways authority (both Rochdale and Lancashire CC).

2. That any contractual requirements are delegated to the Director of Business and the Head of Finance in consultation with the portfolio holder for Finance and Resources.
3. That the receipt in relation to Landgate is earmarked to support activity in the Whitworth wards, and that the final allocation is delegated to the Head of Finance in consultation with the Leader and the Portfolio Holder for Finance and Resources.”

The Chief Executive asked members to further clarify the next suitable option if Option 2 was unsuccessful.

Councillor Barnes indicated that if Option 2 was unsuccessful Option 1 was preferred.

Councillor D Smith raised a point of order that the vote had been taken and it was not possible to change without an amendment.

Councillor Barnes moved and Councillor Jackson seconded Option 1 if Option 2 was unsuccessful.

Members discussed the following:

- None of the options were satisfactory.

- Vote had been taken
- Bring back to Council if it needed to be revisited later.

Councillor D.Smith raised a point of order that the vote had been taken.

The Leader of the Council agreed to bring it back to Council if Option 2 was unsuccessful.

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

The Mayor had no communications to report.

The Leader informed members that a letter had been circulated from the leader of Bury Council who was asking for support against the government proposal to scrap the 2nd Battalion of the Royal Regiment Fusiliers by 2014. The Leader would be sending a letter of support and asked for a link to the e-petition to be put on the Council's web site which members of the public and elected members could sign.

The Chief Executive informed that Councillor Proctor had replaced Councillor Gill on the Crime and Safety Partnership and that the following councillors had been appointed to the Civic Matters Working Group: Councillors Cheetham, Lamb, Marriott, Procter, Sandiford, Serridge and Darryl Smith.

9. QUESTIONS BY MEMBERS

The following issues were raised by Councillors and answered by the Leader or designated person:

No	Issue	Questioner	Answered by (and action)
1.	Repairs to High Peak Road, Whitworth and contact with the residents.	Councillor Neal	Councillor Lamb
2.	Inventory of redundant signage.	Councillor Kenyon	Councillor MacNae
3.	Assistance in restoring Rakehead site to its original condition.	Councillor Oakes	Councillor Lamb
4.	Value for money and Council Tax bill costs. Cost of processing payments.	Councillor D.Smith	Councillor Serridge
5.	Valley Centre completion date and additional costs. Project plan for members to view.	Councillor Milling	Councillor Barnes – agreed to see if the project plan could be circulated.
6.	Young people's bus pass subsidies.	Councillor Sandiford	Councillor Marriott and Barnes.
7.	Grass cutting frequency in Victoria	Councillor	Councillor Barnes

	Park, Haslingden.	Morris	
8.	Vacation of the buildings on the Morrison's site and start of demolition works.	Councillor Eaton	Councillor MacNae
9.	Improving Rising Bridge roundabout through sponsorship agreements and when will work start?	Councillor Evans	Councillor Barnes

Councillor Evans gave his apologies to the Mayor and left the meeting.

No	Issue	Questioner	Answered by (and action)
10.	Leisure budget savings and Haslingden pool.	Councillor Shipley	Councillor Barnes
11.	The number of properties owned by the Council and costs.	Councillor Serridge	Councillor Marriott
12.	Plans for the floods and action taken.	Councillor Hughes	Councillor Barnes – agreed
13.	Thanking those involved in organising the Olympic Torch event.	Councillor Lamb	Councillor Barnes

ORDINARY BUSINESS

10. SCOUT MOOR UPDATE

The Council considered the Scout Moor Update.

In considering the report members discussed the following:

- Preserving the landscapes in Rossendale.
- Long term impact for people in Rossendale.
- Thank the Planning Officers for their work.
- Peel Energy have consulted.
- Valley of stone not steel.
- Have enough wind farms.
- Landscape already compromised by wind farms.
- Schools have adopted turbines and given them names.
- Looking after the landscape and water courses.
- Need to watch carefully where turbines are planted for protection.
- Development determined by national policy.
- Green energy and tidal power schemes.
- People want the power but don't want the resources that make the power.
- Needs to be a balance.
- Importance of having the planning performance agreement and working with Rochdale Council and Lancashire County Council.

Resolved:

That the contents of the report are noted and that the Director of Business is authorised to conclude a Planning Performance Agreement with Peel Energy and organise a presentation to members at an appropriate time.

11. APPROVAL OF AUTHORITY MONITORING REPORT FOR 2011/2012

The Council considered the Authority Monitoring Report for 2011/12

In considering the report members discussed the following:

- Excellent work of the Planning Team.
- Core Strategy is a crucial document to protect against inappropriate development.

Resolved:

That Council notes the information, and approves the Authority Monitoring Report for 1st April 2011-31st March 2012.

12. PEOPLE AND POLICY REPORTS

- **Redundancy and Redeployment Policy**
- **Council Pay Policy**
- **Retirement Policy**
- **Volunteering Policy**
- **Organisational Development Plan**
- **Equality Objectives**

The Council considered the above People and Policy reports.

Councillor Marriott requested a minor change to the wording of the recommendations at 1.1, 1.3, 1.4, 1.5 and 1.6 to ensure that future minor amendments would also be in consultation with the relevant heads of department and trade unions.

In considering the reports members discussed the following:

- Track changes would define where changes had been made.
- Scope for pay reductions.
- Less services and responsibilities.
- Reductions in Special Responsibility Allowances.
- Amended wording welcomed.
- Consider being a living wage employer.
- Under the redeployment and appeals process, with effect from 6 April 2012, the qualifying period to claim for unfair dismissal was raised from one to two years. Employees whose period of continuous employment began on or before 5th April 2012 will still be subject to the one year qualifying period subject to certain exceptions (s.108 of the Employment Rights Act 1996).
- Summary of legislative changes and what has been changed.
- Policies will be refreshed and come to Council every time there is a legislation change.
- They are governed by statute and the Pay Policy governed by the Localism Act.
- Maintaining morale.
- Members Allowances can only be reviewed by the Remuneration Panel.

- Community engagement does not apply to national government.

Councillor Barnes moved and Councillor Marriot seconded the recommendation with the amended wording and the amendment to E3 (b) as follows:

Post	Benchmark Salary	Ratio
Chief Executive salary	Chief Officer Median salary	1:4.8
Chief Officer salary (mid – point)	Council Median salary	1:2.7
Chief Executive salary	Lowest salary	1:8.0
Chief Officer salary (mid-point)	Lowest salary	1:4.6

The amendment provided the correct ratio information.

Members continued to discuss the following:

- Lowest costs compared to other councils.
- No car leases.
- Salary paid to Lancashire County Council Chief Executive.

Resolved:

1. That Full Council approves the Redundancy and Redeployment Policy, and delegates any future minor amendments to the Head of People and Policy in consultation with the Portfolio Holder for Finance and Resources, the relevant heads of service and the Trade Union.
2. That Full Council approves the Pay Policy Statement with the amended ratios.
3. That Full Council approves the Retirement Policy, and delegates any future minor amendments to the Head of People and Policy in consultation with the Portfolio Holder for Finance and Resources, the relevant heads of service and the Trade Union.
4. That Full Council approves the Volunteering Policy, and delegates any future minor amendments to the Head of People and Policy in consultation with the Portfolio Holder for Finance and Resources, the relevant heads of service and the Trade Union.
5. That Full Council approves the Organisational Development Plan, and delegates any future minor amendments to the Head of People and Policy in consultation with the Portfolio Holder for Finance and Resources, the relevant heads of service and the Trade Union.
6. That Full Council agree:
 - the Equality Policy in line with new legislation
 - the Equality Objectives
 and that all future minor amendments to the policy be delegated to the Head of People and Policy in consultation with the Portfolio Holder, the relevant heads of service and the Trade Union.

13. RECOMMENDATIONS FROM THE CABINET AND OTHER COMMITTEES

13a. Recommendation of the Overview and Scrutiny Committee: Overview and Scrutiny Annual Report 2011/2012 and Work Programme 2012/2013

The Council considered the Overview and Scrutiny Annual Report 2011/2012 and Work Programme 2012/2013.

In considering the report members discussed the following:

- Number of Policy Scrutiny meetings and agenda items in 2011/2012.
- Reviewing Special Responsibility Allowances for the Chair and Vice-chair.
- Important role of the committees.
- Remuneration Panel looking at allowances and mileage.

Resolved:

1. That Council approves the Overview and Scrutiny Annual Report 2011/2012.
2. That Council notes the Overview and Scrutiny Work Programme 2012/2013.
3. That the final reports of the Task and Finish Groups be presented to the Overview and Scrutiny Committee, in consultation with the Portfolio Holder, prior to being considered by the Cabinet, Council or other relevant organisation.

13b. Recommendation of the Standards Committee and Governance Working Group: New Code of Conduct for Members

The Council considered the new Code of Conduct for members.

Councillor Serridge placed on record his thanks to Mr Andrew Neville for the work he had done on the Standards Committee on behalf of the Council.

Councillor Serridge moved and Councillor Barnes seconded the recommendations of the report with Option B.

In considering the report members discussed the following:

- Lead officer would be the Director of Business.

Resolved:

1. That Council adopt the proposed new Code of Conduct for Members and hearing procedure attached at Appendix 1, which will replace the current Code of Conduct in the Council's Constitution, from 12th July 2012.
2. That Council delegate all future minor amendments to the Code of Conduct for Members to the Council's Monitoring Officer in consultation with the relevant Portfolio Holder.
3. That Council agrees the appointment of the following 3 independent persons for Standards:
 - Mrs Irene Divine
 - Mr Keith Pilkington
 - Mrs Alison Driver

4. That Council agrees to have a Standards Panel, which meets as a sub group to deal with Standards complaints, that the Audit and Accounts Committee monitor the Council's corporate governance arrangements and the Constitution will be updated accordingly.

13c. Recommendation of the Governance Working Group: Constitution Review

The Council considered the Constitution Review.

In considering the report members discussed the following:

- Just sending the changes to members.

Resolved:

1. That members update the Portfolio Holder job descriptions in part 2 of the Constitution as detailed in Appendix A, as well as amend Part 3 Page 74 to say "There are 6 portfolios".
2. That members amend page 133 as detailed in Appendix B to reflect the appointment of the Leader for a 4 year term and that the Leader is responsible for appointing the Deputy Leader and Cabinet.
3. That members amend page 280 (Appendix C) which provides information on the posts which require full Council decision.

14. URGENT DECISIONS

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

(The meeting started at 6.30pm and concluded at 8.55pm)

Signed.....
(Chair)

Date