

COUNCILLOR MARILYN PROCTER, MAYOR

MINUTES OF: THE COUNCIL OF THE BOROUGH OF ROSSENDALE

Date of Meeting: 30th September 2015

PRESENT: The Mayor Councillor Procter (in the Chair)
Councillors Ashworth, Alyson Barnes, Lynda Barnes, Bleakley, Cheetham, Collinge, De Souza, James Eaton, Janet Eaton, Essex, Evans, Farrington, Fletcher, Graham, Haworth, Hughes, Kempson, Kenyon, Knowles, Lamb, Lythgoe, Marriott, Morris, Neal, Oakes, Robertson, Sandiford, Serridge, Shipley, Smallridge, D.Smith, M.Smith and Steen.

IN ATTENDANCE: Stuart Sugarman, Chief Executive
Clare Birtwistle, Legal Services Manager (Monitoring Officer)
Carolyn Sharples, Committee and Member Services Manager
George Taylor, Mayor's Attendant

ALSO PRESENT: 1 representative of the press
16 members of the public

Prior to the start of the meeting a short silence was held as a mark of respect for Donald Rishton who passed away in August, Honorary Alderman David Johnson who passed away on the 20th September and also Aleena Kausar who passed away on the 18th September following a tragic accident. Donald Rishton was councillor for Eden Ward between 2002 and 2004. Honorary Alderman Johnson was a councillor for Eden Ward between 1973 and 1990 and was also a former Leader of the Council. Aleena was the daughter of Mumtaz Ali, who is the Council's Co-opted member on the Audit and Accounts Committee.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received for Councillors Crawforth and McMahon.

2. MINUTES

Resolved:

That the minutes of the Council meeting held on 15th July 2015 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

There were no declarations of interest made.

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.	I have been informed that there was no Police investigation in relation to AAW, which was contrary to what was said at the July meeting. Was it reported to the Police but not investigated?	Mr Clive Balchin	The Chief Executive confirmed that the Police were still involved and meetings had taken place on a number of occasions. They had been provided with more information and to that extent they were still investigating. Councillor A.Barnes confirmed that the Council's Fraud Officer was still gathering evidence for the Police and was still part way through this process.
2.	Procurement of goods and services in line with OJEU thresholds, and best value for those under the threshold. Who was involved in the decision to stop using The Chest?	Mr Peter Wood	Councillor A. Barnes confirmed that the Constitution included Contract Procedure Rules, which officers were expected to adhere to. Any legitimate exceptions e.g. emergency works, were agreed by the senior management team by Scheme of Delegation. The Council continued to seek best value and also used the Government's Contracts Finder portal to advertise opportunities over the appropriate thresholds, as well as the Council's web site. Councillor A. Barnes agreed to get back to Mr Wood regarding his query about The Chest.
3.	Does the Leader of the Council agree that a priority duty of all elected councillors, working on behalf of all the borough's residents, is to closely and regularly monitor and oversee the proper and legitimate running of all	Mr Frank Rogers	Councillor A. Barnes agreed.

	<p>aspects of the borough's affairs, in accordance with the council's own code of corporate governance?</p> <p>Staying with the Council's published Code of Corporate Governance and the Council's published Constitution, does the Leader of the Council agree that:</p> <p>a) the senior controlling committee of the Council is the Cabinet committee, comprising the Leader and the Portfolio Holders of the other committees,</p> <p>b) that the committee whose purpose, among other things, is to ensure that all business of the Council is conducted in accordance with the Council's Code of Corporate Governance, is the Overview and Scrutiny Committee (both of these committees made up of elected councillors)</p> <p>c) and that these committees are supported by an officer of the Council, the Monitoring Officer, one of whose roles is, according to the Code of Corporate Governance, to report on any issues about the Council's legal powers, possible maladministration, impropriety and probity.</p>		
4.	<p>Was it time for the RTB partnership to be dissolved and was it going the same way as AAW? Why was Andy MacNae still on the board?</p>	<p>Mr Michael Pickup</p>	<p>Councillor A. Barnes did not agree. She confirmed that the decision to co-opt Andy MacNae to RTB was made by the board, as it was felt he had a lot to offer. She asked the Monitoring Officer to pick up any libellous comments made outside the meeting.</p>

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

There were no communications to report.

8. 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.	When was the Leader made aware of the Empty Homes situation? Who made the decision to withhold information from members?	Councillor D.Smith	Councillor A. Barnes made a statement about the current situation with empty homes. She confirmed that she was informed on Friday 30 th January that that the Council's agent had ceased trading and the Chief Executive emailed a briefing note to all members on Monday 2 nd February to this effect. The Leader confirmed the date that the administrator was appointed; the liquidator was appointed, and the dates that member briefings were held. The Leader informed there was no decision to withhold information and that it took some considerable time to obtain a clear picture of the extent of the scheme.
2.	Explanation of the extent of the financial liability relating to Empty Homes as detailed in the Medium Term Financial Strategy (MTFS). The total estimated costs within the MTFS and the remaining revenue situation?	Councillor Essex	Councillor Marriott explained the information as detailed in the latest financial monitoring report and that this was under constant review. The revenue with capital provision for 2015/16 was estimated at 1.8 million, which could be accommodated within existing resources, the majority of which could be contained within estimated in year revenue budget surpluses. Councillors A. Barnes and Marriott confirmed that a 5 year estimate could not be given as it was changeable and that this would be reviewed on an annual basis and fed into the MTFS.
3.	Review of councillor conduct by the Standards Committee in relation to Empty Homes.	Councillor Shipley	Councillor A. Barnes informed that the question assumed wrong doing by members and was not aware of

	Was the resignation of the former Portfolio Holder anything to do with the scheme?		any evidence of this. Following the investigation by LCC audit team, should there be a role for the Standards Committee, this process would be followed. She also confirmed that the former Portfolio Holder had resigned as a result of a serious illness.
4.	Confirmation the Leader and Cabinet were conversant with risk management and monitoring procedures. Why did a Cabinet member ask what Covalent was at a recent training session?	Councillor Steen	Councillor A. Barnes confirmed that they were, and asked if all members could confirm likewise. Members were aware that Covalent was the operating database for performance and risk management. There was no access to this system for members and she had asked for the risk register to be looked at further.
5.	Who signs off joint working contracts, monitors performance and who picks up the bill when they don't work out? Reassurance that it would not happen again (ref. to Empty Homes Scheme).	Councillor Sandiford	Councillor A. Barnes confirmed that contracts would be signed by Chief Executive or Monitoring Officer with advice from the S151 Officer and with the authority of the appropriate members. A Director or Head of Service would be responsible for monitoring and performance depending on the service area. Responsibility of any bill would be as stated in the original contract terms. Councillor A. Barnes confirmed she was doing everything humanly possible in relation to Empty Homes and urged the shadow Portfolio Holder for Finance to meet with the Finance Manager.
6.	Have any protected TPO trees been damaged or removed relating to planning ref. 2006/364? There was a lot of earth moving equipment on site.	Councillor Neal	Councillor Lamb confirmed that an officer had visited the site and no concerns had been identified. A follow up visit had been arranged and LCC Highways contacted regarding the Market Street access.
7.	Number of consultation responses on the Local Plan Part 2 and when would they be published?	Councillor M.Smith	Councillor Lamb confirmed that 1,100 responses had been logged and another 700 were awaiting logging. Once logged, they would be available to view on the Council's web site, hopefully in the next few weeks.
8.	Details of next Valley Centre site consultation.	Councillor Bleakley	Councillor A. Barnes confirmed the consultation would run from 3 rd – 30 th October and sessions would be

			held at Kay Street Baptist between 3 rd -10 th October. Leaflets had been distributed at the meeting. She urged members to assist in extending the consultation through community group contacts. Plans would also be on display at the Council offices for residents in other areas of the valley.
9.	Changes regarding decision making on shale applications and fracking.	Councillor Lythgoe	Councillor A. Barnes informed of the 16 week statutory deadline for dealing with applications. Rossendale Borough Council would be a consultee. Lancashire County Council were the responsible authority. The Licensing round identified three blocks partly in Rossendale that were subject to assessment. She informed that she would ensure members had access to the relevant web links and would keep members fully apprised.

RECOMMENDATIONS FROM THE CABINET AND OTHER COMMITTEES

9. Recommendation of the Consultation Working Group: Polling District Review

The Council considered the Consultation Working Group's recommendation on the Polling District Review.

In considering the recommendation members discussed the following:

- Appreciate principles of the process.
- Would have liked reinstatement of polling stations at Turn Village and Irwell Vale.
- Asking for local knowledge.
- Edenfield Methodist Church was currently up for sale.
- Remote areas.
- Eden largest ward in Rossendale.
- Better access at Irwell Vale Chapel, especially disabled access.
- Pleased with Stacksteads proposals for 3 stations.
- Grateful the Scout Hut in Bacup was back in.
- Previously no disabled access at Scout Hut but this had now been addressed.
- People would welcome Bacup Family Centre coming back.

Councillor Serridge informed that he was happy to second an amendment for the Chapel at Irwell Vale to be considered instead of Edenfield Methodist Church if it was moved. However, he noted that it was the responsibility of the Returning Officer to designate Polling Stations. Councillor Cheetham moved this amendment and Councillor Serridge seconded.

Members voted on the recommendations of the report with the above amendment and it became the substantive motion.

Resolved:

1. Full Council resolved the proposed amendments to polling district boundaries in Eden Ward as listed in the report at paragraph 5 with the amendment relating to Irwell Vale Chapel:

Wards and Proposed Polling Stations	Polling District	Changes Resolved
EDEN		
Stubbins Primary School	HE1	Reduction in area with east section removed and included in additional polling district HE3 as below
Edenfield CE School	HE2	Reduction in area with the south section from intersection of Bury Road, Market Street and Rochdale Road removed and included in HE3 as below
Irwell Vale Chapel (if available)	HE3	HE1 split along motorway and east section named HE3 along with the southern part of HE1 from junction of Bury Road, Market Street and Rochdale Road as above

2. Full Council resolved the proposed amendments to polling district boundaries in Greensclough Ward as listed in the report at paragraph 5:

Wards and Proposed Polling Stations	Polling District	Changes Resolved
GREENSCLOUGH		
Northern School	BG1	
Bacup Cricket Club	BG2	Reduction in polling district with west section being removed and included into BG4 as below.
Bacup Scout Group	BG3	Additional polling district formed from east section of BG4.
Bacup Scout Group	BG4	Increase in polling district

		to take in west portion of BG2 and north portion of current BG3 (Bankside Lane) and move existing polling station from Trinity Baptist Church
Futures Park	BG5	Reduction in area with properties on Bankside Lane included in BG4 as set out above and rename from BG3 to BG5

3. Full Council resolved the proposed amendments to polling district boundaries in Irwell Ward as listed in the report at paragraph 5:

Wards and Proposed Polling Stations	Polling District	Changes Resolved
IRWELL		
The Maden Centre	BI1	Reduction in area with south section forming BI2 below
Bacup Family Centre	BI2	Mid section of Irwell ward to form an additional polling district and named BI2
Britannia CP School	BI3	Reduction in area with north section included in BI2 above. Rename BI3

4. Full Council resolved the proposed amendments to polling district boundaries in Stacksteads Ward as listed in the report at paragraph 5:

Wards and Proposed Polling Stations	Polling District	Changes Resolved
STACKSTEADS		
Acre Mill Baptist Church	BS1	Reduction in polling district with west section being removed and included in BS3 below.
Stacksteads Band Room	BS2	Reduction in polling district with north section being removed and included in BS3 below.

Holy Trinity School	BS3	West section of BS1 (from Holy Trinity School) and north section of BS2 (Newchurch Road and above) forming additional polling district of BS3.
---------------------	-----	--

Reason for Decision

To make a decision regarding proposals following the Interim Review of Polling Districts and Polling Places requested by full Council on 15th July 2015.

Alternative Options Considered

Edenfield Methodist Church for HE3.

10. Recommendation of the Independent Remuneration Panel: Review of the Members' Allowances Scheme

The Council considered the Independent Remuneration Panel's recommendation on the Review of the Members' Allowances Scheme.

Councillor Marriott moved and Councillor A.Barnes seconded that:

“Council thank the Independent Remuneration Panel for their recommendations and note the contents of the report, and that the recommendations be considered at the next full review by the Panel in 2017.”

In considering this recommendation members discussed the following:

- Meeting with the Independent Remuneration Panel to express concerns over increasing allowances.
- Spending money on the Valley Centre demolition and not Haslingden Pool.

Councillor Hughes raised a point of order that the discussion was not relevant to what had been proposed.

Members continued to discuss the following:

- Money available to award additional special responsibility allowances.
- Reinvest savings in Haslingden Christmas lights.
- Members should not expect payment.
- Members should be aware of what was expected of them when they stand for election.
- Opposed to proposals.

The Leader of the Council clarified that members were being asked to vote on the proposal moved and seconded by Councillor Marriott and herself, and not the recommendation of the report. She also confirmed that the lights for Haslingden were on order.

Members continued to discuss the following:

- A former Chair of Development Control had also requested the Independent Remuneration Panel to consider similar recommendations previously, because of the time and effort required by the role.
- Don't agree with the recommendation to defer the proposals.
- Member's choice to take on roles.
- Why was this proposal not shown as the recommendation of the report?

The Chief Executive confirmed that the report was not a members' report, but was a report containing the recommendations of the Independent Remuneration Panel. The Leader of the Council clarified that the proposal was to note the report but not to act on it at this moment in time.

Councillor A.Barnes made an amendment which was seconded by Councillor Neal that: *"Council note the contents of the report, but take no further action."*

Members voted on the amendment and it became the substantive motion.

Resolved:

That Council note the contents of the report, but take no further action.

Reason for Decision

To take account of the Independent Remuneration Panel's recommendations, whilst bearing in mind the Council's overall financial and budgetary position.

Alternative Options Considered

To increase the special responsibility allowance for the Chair of the Development Control Committee to £5,013.

11. Recommendation of the Cabinet: Use of CPO powers in order to facilitate the delivery of housing development of the site at Sunnyside Works/Albert Mill Whitworth

The Council considered the Cabinet's recommendation regarding the use of CPO powers in order to facilitate the delivery of housing development of the site at Sunnyside Works/ Albert Mill Whitworth.

In considering the recommendation members discussed the following:

- Approval to use CPO powers.
- Contributes to corporate priorities and the improvement of the physical environment.
- Uncapped indemnity and third party interests covered.
- Report was taken to Cabinet previously.
- Decision being made in public.
- Good news story for Whitworth.
- The mill had caused problems for residents and emergency services.
- Similar arrangement as the CPO for Morrisons site.
- This is what local authorities do best.
- Pressure on fire crews and residents.
- Thanks to anyone who participated in meetings since 2008.
- Ownership of the site, and properties abutting the site.

- Support the proposals.
- Thanks to Legal officers and Building Control officers.
- Expanding CPO powers to consider Waterside Mill which was a listed building in a dangerous state.

The Leader of the Council confirmed that they were working with Historic England in relation to Waterside Mill and requested that officers brief Councillor Steen in relation to this matter.

Resolved:

1. That members authorise the Head of Health, Housing & Regeneration in consultation with the Portfolio Holder for Regeneration, following the passing of a resolution to grant planning permission for the development and the entering into of legal agreements relating to the indemnification of the Council's costs in the process and regarding the delivery of the scheme, to make a compulsory purchase order ("CPO") under Section 17 of the Housing Act 1985 and or the Acquisition of Land Act 1981 for the purposes of acquiring any interests in the land (and any new rights) within the red line shown on the attached plan which are needed to facilitate the housing led redevelopment of the site on the basis that it will contribute towards the achievement of the economic, social and environmental well-being of the area.
2. That members authorise the Head of Health, Housing & Regeneration in consultation with the Portfolio Holder for Regeneration to:-
 - i. determine the boundaries of the CPO, provided that they shall fall within the red line on the attached plan, and determine the interests to be included in the CPO being those needed to facilitate the development;
 - ii. prepare the Statement of Reasons supporting the CPO;
 - iii. undertake a land referencing exercise;
 - iv. take all necessary actions to secure the confirmation of the CPO, including promoting the case for the CPO at public inquiry;
 - v. serve all statutory notices throughout the CPO process;
 - vi. make such amendments, modifications or deletions to the CPO during the process (including if appropriate to request the Secretary of State not to confirm the CPO in relation to any specific interest(s) in the event that agreement is reached in respect of such interest(s));
 - vii. conclude agreements with parties included in the CPO to acquire outstanding interests;
 - viii. exercise the powers under the confirmed CPO to acquire the land in the CPO, whether by General Vesting Declaration(s) or by service of Notice(s) to Treat and/or Entry and complete all matters subsequent to this.

Reason for Decision

The Council had the opportunity to assist in the economic regeneration of the area for the specific benefit of residents within this locality.

Alternative Options Considered

None

ORDINARY BUSINESS

12. URGENT DECISIONS

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

The Mayor reminded members of the public and elected members of the protocols and procedures to be followed when participating in Council meetings, and that she expected everyone to conduct themselves appropriately and respectfully.

(The meeting started at 6.30pm and concluded at 8.00pm)

Signed.....
(Chair)

Date