

COUNCILLOR COLIN CRAWFORTH, MAYOR

MINUTES OF: THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE BOROUGH OF ROSSENDALE

Date of Meeting: 18th September 2017

**PRESENT: The Mayor Councillor Crawford (in the Chair)
Councillors Aldred, Ashworth, Bromley, Cheetham, Farrington, Fletcher, Haworth, Hughes, Johnson, Kenyon, Lamb, Marriott, McMahon, Oakes, Procter, Serridge, Shipley, Smallridge, Smith, Steen and Walmsley.**

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

**ALSO PRESENT: 9 members of the public
1 press**

1. Apologies for Absence

Apologies for absence were received for Councillors A.Barnes, L.Barnes, James Eaton, Janet Eaton, Essex, MacNae, Morris, Neal, and Robertson.

2. Declarations of Interest

Councillor Cheetham declared that she was a member of the authority.

3. Urgent Items of Business

There were no urgent items of business.

4. Motion

Councillor Sean Serridge moved the following motion which was seconded by Councillor Marriott:

In accordance with Part 4, section 3 of the constitution, we hereby request an Extraordinary Meeting of the Council.

The purpose of this request is to discuss and make a resolution on the recent revelation that a member of the Rossendale Borough Council has conceded that they are guilty of fraudulently receiving Council Tax benefit, which of course is a passported benefit. We seek to reassure our residents that the proper procedure has been followed when dealing with this case, a full explanation as to why the name of the councillor was kept secret, and an assurance that given the nature of Council Tax benefit, all other appropriate government departments and agencies have been fully informed about this

fraud and are carrying out any appropriate investigations to ascertain if any other fraud has been committed.

We therefore request that council requires the Monitoring Officer to carry out a full and thorough investigation into the above points and reports back to council as soon as possible.

We request that the meeting is held as soon as possible, in accordance with the constitution.

In considering the motion members discussed the following:

- Motion is self explanatory, but it raises more questions than it answers.
- There is provision in Data Protection and Freedom of Information regarding public interest, and there is clear provision for public interest to be served.
- Comments from the residents of Haslingden regarding people being treated differently according to whether they have the means to pay back.
- Need a level playing field and policies need to be looked at again and the situation rectified.
- In relation to data protection and confidentiality principles 1-7 of the Act have been breached and those with potential access to the information remain under suspicion.
- The Chief Executive has already called for an investigation to be carried out.
- Being able to trust officers with sensitive information and ensuring secure processes are in place.
- Colleagues should have clarified the legal position long before publication as councillors are also liable for breaches of the laws.
- Conspiracy and conspiring in public office to breach Data Protection.
- The subject detailed is not a matter for which the Council has responsibility as it does not detail the responsibilities of the other agencies, and it is not our place to tell other agencies how to go about their business.
- A formal complaint submitted by other members would breach natural justice as there needs to be impartiality, so the matter should not have been discussed until such time as disciplinary matters had concluded.
- There is a need to inform of the officer that has given the information as other officers' loyalty is now questionable.
- Needs a proper investigation as people are disappointed with the Council's reputation for sweeping things under the carpet.
- People can make mistakes.
- No idea who the whistle blower is or why the issue with the whistleblower is a problem.
- The Council has a responsibility to inform other agencies such as Department for Work and Pensions as Council Tax Support and Housing Benefit is linked to other passported benefits such as Pension Credits and Universal Credits.
- There is already a responsibility to inform other agencies where it has been identified that there has been an overpayment.
- People clearly concluded that there had been misconduct and a member had been suspended over social media posts.
- In relation to the benefits claim the connection was made by the BBC on 24th August.

- There is a need to explain the process as public think there has been special treatment.
- There is a need to explain that nothing has been done any different and make it clear that we are not doing anything different.
- There is a need to look at the policy again and look at the issue of being able to afford to pay the fine and the back pay.
- Look at someone who could not afford to make a single payment, would they be dragged through the courts.
- The policy is controlled by national policy and not council policy and we cannot change it.
- The Council Tax and Council Tax Support Policy is not national, it is our own.
- Putting the integrity of professionals on paper. The motion requires the Monitoring Officer to investigate in full but sure she already is.
- Agree the policy needs to be re-evaluated.
- Committed to being accountable, transparent and committed to value for money, and hope the groups can move on and work together.

Councillor Serridge moved an addition to the motion which was seconded by Councillor Marriot as follows:

- *That the current Council Tax and Council Tax Support Policy be fully reviewed.*
- *That the amendment, if agreed, be put now.*

Members voted on the addition to the motion and that the motion be put now, which was carried.

Councillors Serridge, Marriott and Hughes requested a named vote.

Voting on the motion including the additional wording took place as follows:

Name	Vote
Cllr Aldred	For
Cllr Ashworth	For
Cllr Bromley	For
Cllr Cheetham	For
Cllr Crawforth	For
Cllr Farrington	For
Cllr Fletcher	For
Cllr Haworth	For
Cllr Hughes	For
Cllr Johnson	For
Cllr Kenyon	For
Cllr Lamb	For
Cllr Marriott	For
Cllr McMahon	For
Cllr Oakes	For
Cllr Procter	For
Cllr Serridge	For

Cllr Shipley	For
Cllr Smallridge	For
Cllr Smith	For
Cllr Steen	For
Cllr Walmsley	For
Total For	22
Total Against	0
Total Abstentions	0

Resolved:

1. That the Monitoring Officer carries out a full and through investigation into the points listed in the motion and reports back to council as soon as possible.
2. That the current Council Tax and Council Tax Support Policy be fully reviewed.

Reason for Decision

To support the notice of motion.

Alternative Options Considered

The amendments detailed above.

(The meeting commenced at 6.30pm and concluded at 6.55pm)

Signed.....

(Chair)

Date